

AMENDED IN SENATE JUNE 28, 2005

AMENDED IN SENATE JUNE 15, 2005

AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1742

**Introduced by Committee on Judiciary (Jones (Chair), Evans,
Laird, Levine, Lieber, and Montanez)**

March 2, 2005

~~An act to amend Section 43.55 of the Civil Code, to amend Sections 116.330, 116.340, 116.780, 128.7, 396b, 415.21, 425.115, and 998 of, and to repeal and add Section 116.725 of, the Code of Civil Procedure, to amend Sections 811.9, 905, 910.4, and 69926.5 of, and to add Section 905.7 to, the Government Code, to amend Section 123.6 of the Labor Code, and to amend Sections 16020 and 16058.1 of the Vehicle Code, relating to courts, and declaring the urgency thereof, to take effect immediately. An act to amend Sections 467.1, 6322.1, 6324, 6325, and 6326 of, to add Sections 470.5 and 470.6 to, to repeal Sections 470.3 and 6323 of, and to repeal and add Sections 6321 and 6322 of, the Business and Professions Code, to amend Sections 43.55 and 2924j of the Civil Code, to amend Sections 116.330, 116.340, 116.390, 116.745, 116.760, 116.780, 116.820, 116.860, 128.7, 177.5, 209, 396b, 403.060, 411.20, 415.21, 425.10, 425.115, 491.150, 683.150, 704.750, 708.160, 724.100, 998, 1134, 1161.2, 1174.25, 1174.3, and 1218 of, to add Sections 116.232 and 411.21 to, to repeal Section 116.910 of, and to repeal and add Sections 116.230, 116.725, and 573 of, the Code of Civil Procedure, to amend Section 1852 of the Family Code, to amend Section 31622 of the Food and Agricultural Code, to amend Sections 811.9, 905, 910.4, 24353, 26820, 26831, 26837, 26840.3, 26837, 26840.3, 26857, 27293,~~

54985, 68084, 68085, 68086, 68090.8, 68101, 68511.3, 68926.1, 69953.5, 70375, 70402, 71386, 77009, 77200, 77205, and 77209 of, to amend the headings of Chapter 6 (commencing with Section 71002) and Chapter 8 (commencing with Section 72004) of Title 8 of, to amend and renumber Sections 26820.4, 26823, 26824, 26826, 26826.1, 26826.3, 26826.4, 26827.5, 26827.6, 26827.7, 26832.1, 26833.5, 26835.1, 26838, 26857.5, 26862, 76236, and 76238 of, to amend, renumber, and repeal Sections 26827, 72055, and 72056 of, to add Sections 905.7, 68084.1, 68085.1, 68085.2, 68085.3, 68085.4, 68086.1, and 77207.5 to, to add Chapter 5.8 (commencing with Section 70600) to Title 8 of, and to repeal Sections 24350.5, 26820.6, 26820.7, 26822.3, 26826.2, 26827.1, 26827.4, 26828, 26829, 26830, 26832, 26833.1, 26834, 26836.1, 26837.1, 26840.4, 26841, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 26856, 26859, 26863, 68087, 68087.1, 68090.7, 69926.5, 70373, 70373.5, 72054, 72056.01, 72056.1, 72059, 72060, 72061, and 72073 of, the Government Code, to amend Sections 100430, 103470, and 103730 of the Health and Safety Code, to amend Sections 98.2 and 123.6 of the Labor Code, to amend Sections 1835, 2343, 7660, and 13201 of the Probate Code, and to amend Sections 14607.6, 16020, 16058.1, and 40230 of the Vehicle Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1742, as amended, Committee on Judiciary. Courts: ~~civil procedure.~~

(1) Existing law establishes various court fees to be collected for services provided in conjunction with the operation of the courts, as specified.

This bill would enact the Uniform Civil Fees and Standard Fee Schedule Act of 2005, which would, as of January 1, 2006, establish a uniform schedule of filing fees and other civil fees for the superior courts. Among other things, the bill would generally increase the filing fees for civil actions and proceedings, including, but not limited to, those fees related to small claims court, motions, appeals, judgments, the filing of the first paper in a civil action or proceeding in the superior court, in a limited civil case, and in complex cases, and in family law and probate matters, and fees for various certifications, recordings, filings, and the authentication of documents. The bill also would authorize the court to charge a reasonable fee for

videoconferencing, providing services or products, if approved by the Judicial Council, and handling funds held in trust for noncourt parties or entities. The bill would provide that none of these civil fees may be changed before January 1, 2008, except as specified.

The bill would require the Judicial Council to establish a Task Force on Civil Fees to make recommendations on the effectiveness of the uniform fee structure and other fee related issues on or before February 1, 2007. The bill would revise and increase other duties of the Judicial Council, including duties relating to the adoption of a schedule for the allocation of funds to trial courts for the development and implementation of automated systems.

The bill would further revise and recast provisions relating to the distribution of the above-described fees, affecting, among other things, dispute resolution programs, court reporter services, small claims advisory services, and law library funds, and would make specified findings and declarations with regard to the above-described provisions.

The bill would shift various duties relating to the administration of court fees and would make additional technical and conforming changes.

(2) Existing law authorizes certain surcharges to be added to specified court-related fees, including, among others, a state surcharge of 10%, until July 1, 2007, and an additional surcharge of \$20 to ensure and maintain adequate funding for court security, and provides for these amounts to be transmitted to the Trial Court Trust Fund.

This bill would repeal these provisions.

(3) Existing law requires, for the purposes of funding trial court operations, each board of supervisors to establish in the county treasury a Trial Court Operations Fund, into which all funds appropriated in the Budget Act and allocated and reallocated to each court in the county by the Judicial Council shall be deposited.

This bill would authorize the Judicial Council to establish bank accounts for the superior courts and to require the courts to deposit moneys for trial court operations, and any other moneys under the control of the courts, into those accounts, as specified. The bill would further provide that money, excluding restitution to victims, that has been deposited with a superior court, or that a superior court is holding in trust for the lawful owner, in a court bank account or in a court trust account in a county treasury, that remains unclaimed for 3

years, is the property of the superior court if not claimed after specified notice and if no verified complaint is filed and served.

(1)

(4) Under existing law, no liability or cause of action arises against a peace officer making an arrest pursuant to a warrant of arrest regular upon its face, if the peace officer acts without malice and in reasonable belief that the person arrested is the one referred to in the warrant.

This bill would provide that the term “warrant of arrest regular upon its face” includes both a paper arrest warrant issued pursuant to a judicial order and a judicial order entered into an automated warrant system by authorized law enforcement or court personnel, as specified.

(2)

(5) Existing law governs procedures in the small claims court. These provisions set forth various time periods for scheduling cases for hearing and specifies methods for service of the claim and order on a defendant. These provisions state that they may not be construed to prevent a court from correcting a clerical error in a judgment or setting aside and vacating a judgment on the ground of an incorrect or erroneous legal basis for the decision.

This bill would provide that, when a claim is filed, the case shall be scheduled for hearing no earlier than 20 days and not more than 70 days from the date of the order, thereby eliminating the various time periods. The bill would require that proof of service of the claim and order be filed at least 5 days before the hearing. The bill would authorize a party to make only one motion to correct a clerical error or set aside and vacate a judgment and provide that a party may have 30 days after the clerk mails notice of entry of judgment to the parties to make that motion.

(3)

(6) Existing law requires, until January 1, 2006, that all pleadings filed with a court be signed, except as specified, and that the filing of any paper with a court certifies that specified conditions have been satisfied. Existing law also specifies sanctions for violation of these requirements.

This bill would delete the repeal date of January 1, 2006, contained in these provisions and thereby extend indefinitely the operation of these provisions.

(4)

(7) Existing law requires a person to be granted access to a staffed gated community for a reasonable time period for the purpose of performing lawful service of process, as specified.

This bill would also authorize access to a staffed gated community for the purpose of serving a subpoena.

~~(5)~~

(8) Existing law also governs offers by a party to compromise a dispute that is to be resolved by arbitration.

This bill would require a written offer to compromise to include a provision that allows the accepting party to indicate acceptance of the offer by signing a statement that the offer is accepted, as specified. The bill would also require that any acceptance of the offer, whether made on the document containing the offer or on a separate document of acceptance, to be in writing and signed *by the accepting party or his or her counsel, as specified.*

~~(6) Existing law imposes a surcharge of \$20 for court security in addition to the total court fees collected pursuant to specified provisions and also authorizes the collection of an additional surcharge in certain cases filed from January 1, 2004 to June 30, 2005, inclusive.~~

~~This bill would extend that additional surcharge until June 30, 2006, as specified.~~

~~(7) Existing law requires the Judicial Council to provide for the representation or defense of judicial officers and employees by the county counsel or Attorney General, and authorizes such representation or defense of the Judicial Council. Existing law also provides that this representation or defense shall not be the sole basis for the disqualification of a judicial officer or employee in an unrelated action.~~

~~This bill would add justices and the Administrative Office of the Courts to the judicial officers to which this provision applies, and specify that representation of the Judicial Council of the Administrative Office of the Courts shall not be the sole basis for disqualification of a judicial officer or employee from an unrelated action.~~

~~(8)~~

(9) Existing law sets forth the procedure for filing a claim against a statewide public entity, as specified.

This bill would specify that these procedures also apply to claims against a judicial branch entity.

(9)

(10) Existing law authorizes a court in a proceeding for dissolution of marriage or legal separation and prior to the determination of a motion for a change of venue, to consider and make all necessary and proper orders in connection with motions for allowance of temporary spousal support, support of children, and counsel fees and costs.

This bill would revise that provision to additionally apply to proceedings under the Uniform Parentage Act and to authorize the court to consider and determine motions to determine custody of and visitation with children in any of the proceedings to which the provision applies prior to determining the motion for a change of venue.

(11) *The bill would impose a state-mandated local program by requiring new duties of local officers.*

(12) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(10) Existing law requires workers' compensation administrative law judges, as specified, to subscribe to the Code of Judicial Ethics and to not engage in conduct contrary to that code or to the commentary to the Code of Judicial Ethics made by the California Judges Association.~~

~~This bill would delete the reference to the California Judges Association within that provision.~~

~~(11) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares as follows:*
- 2 (a) *Stable and predictable funding is critical to the*
- 3 *independence of the judicial branch. Civil fees are an important*
- 4 *part of funding the court system.*

1 ***(b) The civil fee increases and surcharges that were approved***
2 ***in three previous state budgets in order to fund court operations***
3 ***have not generated expected revenues and have made filing fee***
4 ***schedules difficult for court users to understand.***

5 ***(c) Local fees and surcharges on court filing fees have created***
6 ***confusion, difficulty in administration, and lack of uniformity in***
7 ***fees in different counties across the state.***

8 ***(d) The creation of a uniform civil fee structure will streamline***
9 ***and simplify civil fees, provide for uniformity in different***
10 ***counties, address the funding shortfall occurring under the***
11 ***current fee structure, and significantly improve financial***
12 ***stability, accountability, and predictability in the courts.***

13 ***(e) The uniform civil fee structure seeks to eliminate confusion***
14 ***about the proper fee amounts to be paid, significantly ease the***
15 ***administrative workload in collecting and distributing fees, and***
16 ***provide a small amount of additional funding for important***
17 ***judicial branch functions, including technology infrastructure***
18 ***and court facilities.***

19 ***(f) New distributions to the Equal Access Fund will provide***
20 ***increased funding to qualified legal services projects and support***
21 ***centers to be used for legal services in civil matters for indigent***
22 ***persons.***

23 ***(g) Fee waivers and partial fee waivers will remain available***
24 ***for people who cannot afford court fees.***

25 ***(h) The uniform civil fee structure is intended to maintain the***
26 ***revenue stream to programs and groups that receive funding***
27 ***from court filing fees under existing law.***

28 ***(i) Dispute resolution programs and county law libraries will***
29 ***continue to receive the same revenue per filing fee as they do***
30 ***under existing law. Authority for counties to increase those***
31 ***revenues during the period of moratorium on fee increases will***
32 ***be preserved.***

33 ***(j) It is the intent of the Legislature not to increase any fees***
34 ***established in this act before January 1, 2008, except that the***
35 ***Legislature may consider changes to implement***
36 ***recommendations of the Task Force on County Law Libraries,***
37 ***changes to the graduated filing fee for petitions in probate***
38 ***proceedings under subdivision (a) of Section 70650 of the***
39 ***Government Code, and establishment of a new fee for small***

1 *claims cases with more than five thousand dollars (\$5,000) at*
2 *issue if legislation is enacted to increase the jurisdictional limit.*

3 *SEC. 2. Section 467.1 of the Business and Professions Code*
4 *is amended to read:*

5 467.1. (a) A program funded pursuant to this chapter shall be
6 operated pursuant to contract with the county and shall comply
7 with all of the requirements of this chapter and the rules and
8 regulations of the advisory council.

9 (b) Counties may establish a program of grants to public
10 entities and nonpartisan nonprofit corporations for the
11 establishment and continuance of programs to be operated under
12 the requirements of this chapter and the standards developed by
13 the advisory council. The board of supervisors of a county in
14 which, because of the county's size, the ~~fee increase~~ *distribution*
15 authorized by Section ~~470.3~~ 470.5 is insufficient to establish a
16 county program may enter into an agreement with the board of
17 supervisors of one or more other such counties to establish a
18 program authorized by this chapter on a regional basis.

19 *SEC. 3. Section 470.3 of the Business and Professions Code*
20 *is repealed.*

21 ~~470.3. (a) Except as provided in subdivision (b), a fee of not~~
22 ~~less than one dollar (\$1) and not more than eight dollars (\$8) may~~
23 ~~be added to the total fees collected and fixed pursuant to Sections~~
24 ~~26820.4, 26826, 26827, 68090, 72055, and 72056 of the~~
25 ~~Government Code for the filing of a first paper in a civil action in~~
26 ~~superior or municipal court, other than a small claims action.~~

27 ~~(b) A fee of not less than one dollar (\$1) and not more than~~
28 ~~three dollars (\$3) may be added to the total fees collected and~~
29 ~~fixed pursuant to Sections 26820.4, 26826, 26827, 68090, 72055,~~
30 ~~and 72056 of the Government Code for the filing of a first paper~~
31 ~~in a civil action in superior or municipal court, for those cases~~
32 ~~where the monetary damages do not exceed the sum of two~~
33 ~~thousand five hundred dollars (\$2,500). To facilitate the~~
34 ~~computation of the correct fee pursuant to this section, the~~
35 ~~complaint shall contain a declaration under penalty of perjury~~
36 ~~executed by a party requesting a reduction in fees that the case~~
37 ~~filed qualifies for the lower fee because claim for money~~
38 ~~damages will not exceed the sum of two thousand five hundred~~
39 ~~dollars (\$2,500).~~

1 ~~(e) The fees described in subdivisions (a) and (b) shall only be~~
2 ~~utilized for the support of the dispute resolution programs~~
3 ~~authorized by this chapter.~~

4 ~~(d) A county may carry over moneys received from the~~
5 ~~additional fees authorized pursuant to subdivisions (a) and (b),~~
6 ~~that shall be deposited in a special fund created for those~~
7 ~~purposes, until such time as the county elects to fund a dispute~~
8 ~~resolution program. Records of those fees shall be available for~~
9 ~~inspection by the public, upon request.~~

10 *SEC. 4. Section 470.5 is added to the Business and*
11 *Professions Code, to read:*

12 *470.5. (a) On and after January 1, 2006, as described in*
13 *Section 68085.1 of the Government Code, the Administrative*
14 *Office of the Courts shall make monthly distributions from*
15 *superior court filing fees for the support of dispute resolution*
16 *programs under this chapter in each county that has acted to*
17 *establish a program. The amount distributed in each county shall*
18 *be equal to the following:*

19 *(1) From each first paper filing fee collected by the court as*
20 *provided under Section 70611 or 70612, subdivision (a) of*
21 *Section 70613, subdivision (a) of Section 70614, or Section*
22 *70670 of the Government Code, and each first paper or petition*
23 *filing fee collected by the court in a probate matter as provided*
24 *under Section 70650, 70651, 70652, 70653, or 70655 of the*
25 *Government Code, the same amount as was required to be*
26 *collected for the support of dispute resolution programs in that*
27 *county as of December 31, 2005, when a fee was collected for the*
28 *filing of a first paper in a civil action under Section 26820.4 of*
29 *the Government Code.*

30 *(2) From each first paper filing fee in a limited civil case*
31 *collected by the court as provided under subdivision (b) of*
32 *Section 70613 or subdivision (b) of Section 70614 of the*
33 *Government Code, and each first paper or petition filing fee*
34 *collected by the court in a probate matter as provided under*
35 *Section 70654, 70656, or 70658 of the Government Code, the*
36 *same amount as was required to be collected for the support of*
37 *dispute resolution programs in that county as of December 31,*
38 *2005, when a fee was collected for the filing of a first paper in a*
39 *civil action under Section 72055 of the Government Code where*

1 *the amount demanded, excluding attorney's fees and costs, was*
2 *ten thousand dollars (\$10,000) or less.*

3 *(b) Distributions under this section shall be used only for the*
4 *support of dispute resolution programs authorized by this*
5 *chapter. The county shall deposit the amounts distributed under*
6 *this section in an account created and maintained for this*
7 *purpose by the county. Records of these distributions shall be*
8 *available for inspection by the public upon request.*

9 *(c) After January 1, 2006, a county that does not already have*
10 *a distribution from superior court filing fees under this section*
11 *and that establishes a dispute resolution program authorized by*
12 *this chapter may approve a distribution under this section. A*
13 *county that already has a distribution under this section may*
14 *change the amount of the distribution. The total amount to be*
15 *distributed for the support of dispute resolution programs under*
16 *this section may not exceed eight dollars (\$8) per filing fee.*

17 *(d) The county may make changes under subdivision (c) to be*
18 *effective January 1 or July 1 of any year, on and after January 1,*
19 *2006. The county shall provide the Administrative Office of the*
20 *Courts with a copy of the action of the board of supervisors that*
21 *establishes the change at least 15 days before the date that the*
22 *change goes into effect.*

23 *SEC. 5. Section 470.6 is added to the Business and*
24 *Professions Code, to read:*

25 *470.6. A county may carry over moneys received from*
26 *distributions under Section 470.5 and from the fees for the*
27 *support of dispute resolution programs authorized by this*
28 *chapter that were added to fees for filing a first paper in a civil*
29 *action in superior court under the laws in effect before January*
30 *1, 2006.*

31 *SEC. 6. Section 6321 of the Business and Professions Code is*
32 *repealed.*

33 ~~6321. On the commencement in, or the removal to, the~~
34 ~~superior court of any county in this state, of any civil action,~~
35 ~~proceeding, or appeal, and on the commencement in, or removal~~
36 ~~to, the municipal court in any county, of any civil action or~~
37 ~~proceeding, the party instituting such proceeding, or filing the~~
38 ~~first papers, shall pay to the clerk of the court, for the law library,~~
39 ~~on filing the first papers, the sum of one dollar (\$1) as costs, in~~
40 ~~addition to the fees fixed by law.~~

SEC. 7. Section 6321 is added to the Business and Professions Code, to read:

6321. (a) On and after January 1, 2006, as described in Section 68085.1 of the Government Code, the Administrative Office of the Courts shall make monthly distributions from superior court filing fees to the law library fund in each county in the amounts described in this section and Section 6322.1. From each first paper filing fee as provided under Section 70611, 70612, 70613, 70614, or 70670 of the Government Code, each first paper or petition filing fee in a probate matter as provided under Section 70650, 70651, 70652, 70653, 70654, 70655, 70656, or 70658 of the Government Code, Section 103470 of the Health and Safety Code, or Section 7660 of the Probate Code, each filing fee for a small claim or limited civil case appeal as provided under Section 116.760 of the Code of Civil Procedure or Section 70621 of the Government Code, and each vehicle forfeiture petition fee as provided under subdivision (e) of Section 14607.6 of the Vehicle Code, that is collected in each of the following counties, the amount indicated in this subdivision shall be paid to the law library fund in that county:

| <i>Jurisdiction</i> | <i>Amount</i> |
|--------------------------|----------------|
| <i>Alameda.....</i> | <i>\$31.00</i> |
| <i>Alpine.....</i> | <i>4.00</i> |
| <i>Amador.....</i> | <i>20.00</i> |
| <i>Butte.....</i> | <i>29.00</i> |
| <i>Calaveras.....</i> | <i>26.00</i> |
| <i>Colusa.....</i> | <i>17.00</i> |
| <i>Contra Costa.....</i> | <i>29.00</i> |
| <i>Del Norte.....</i> | <i>20.00</i> |
| <i>El Dorado.....</i> | <i>26.00</i> |
| <i>Fresno.....</i> | <i>31.00</i> |
| <i>Glenn.....</i> | <i>20.00</i> |
| <i>Humboldt.....</i> | <i>40.00</i> |
| <i>Imperial.....</i> | <i>20.00</i> |
| <i>Inyo.....</i> | <i>20.00</i> |
| <i>Kern.....</i> | <i>21.00</i> |
| <i>Kings.....</i> | <i>23.00</i> |
| <i>Lake.....</i> | <i>23.00</i> |

| | | |
|----|------------------------------|-------|
| 1 | <i>Lassen</i> | 25.00 |
| 2 | <i>Los Angeles</i> | 18.00 |
| 3 | <i>Madera</i> | 26.00 |
| 4 | <i>Marin</i> | 32.00 |
| 5 | <i>Mariposa</i> | 27.00 |
| 6 | <i>Mendocino</i> | 26.00 |
| 7 | <i>Merced</i> | 23.00 |
| 8 | <i>Modoc</i> | 20.00 |
| 9 | <i>Mono</i> | 20.00 |
| 10 | <i>Monterey</i> | 25.00 |
| 11 | <i>Napa</i> | 20.00 |
| 12 | <i>Nevada</i> | 23.00 |
| 13 | <i>Orange</i> | 29.00 |
| 14 | <i>Placer</i> | 29.00 |
| 15 | <i>Plumas</i> | 20.00 |
| 16 | <i>Riverside</i> | 26.00 |
| 17 | <i>Sacramento</i> | 44.00 |
| 18 | <i>San Benito</i> | 20.00 |
| 19 | <i>San Bernardino</i> | 23.00 |
| 20 | <i>San Diego</i> | 35.00 |
| 21 | <i>San Francisco</i> | 36.00 |
| 22 | <i>San Joaquin</i> | 23.00 |
| 23 | <i>San Luis Obispo</i> | 31.00 |
| 24 | <i>San Mateo</i> | 32.50 |
| 25 | <i>Santa Barbara</i> | 35.00 |
| 26 | <i>Santa Clara</i> | 26.00 |
| 27 | <i>Santa Cruz</i> | 29.00 |
| 28 | <i>Shasta</i> | 20.00 |
| 29 | <i>Sierra</i> | 20.00 |
| 30 | <i>Siskiyou</i> | 26.00 |
| 31 | <i>Solano</i> | 26.00 |
| 32 | <i>Sonoma</i> | 29.00 |
| 33 | <i>Stanislaus</i> | 18.00 |
| 34 | <i>Sutter</i> | 7.00 |
| 35 | <i>Tehama</i> | 20.00 |
| 36 | <i>Trinity</i> | 20.00 |
| 37 | <i>Tulare</i> | 29.00 |
| 38 | <i>Tuolumne</i> | 20.00 |
| 39 | <i>Ventura</i> | 26.00 |
| 40 | <i>Yolo</i> | 29.00 |

Yuba..... 7.00

(b) If a board of supervisors in any county acted during the 2005 calendar year to increase the law library fee in that county, the amount distributed to the law library in that county under subdivision (a) shall be increased by the amount that the board of supervisors acted to increase the fee, up to three dollars (\$3).

SEC. 8. Section 6322 of the Business and Professions Code is repealed.

~~6322. Thereafter, any defendant, respondent, adverse party, or intervening party, on making a first appearance in a superior or municipal court, or any number of defendants, respondents, or parties, appearing jointly, shall pay to the clerk of the court, for the law library, the sum of one dollar (\$1) as costs, in addition to the fees fixed by law.~~

SEC. 9. Section 6322 is added to the Business and Professions Code, to read:

6322. (a) It is the intent of the Legislature that the change in the method of distributing funds to law libraries from fees collected by the superior courts under the Uniform Civil Fees and Standard Fee Schedule Act of 2005 will not result in undue financial hardship for any law library. On and after January 1, 2006, any law library that experiences undue financial hardship from the change in the method of distributing funding to law libraries may request a one-time advance from the Administrative Office of the Courts. The Administrative Office of the Courts shall provide the advance within 15 days after the request is received, but no earlier than February 1, 2006, if all of the following conditions are met:

(1) The law library board of trustees certifies that the law library is experiencing financial hardship caused by an increase in the time between collection of a fee by the court and the receipt of the money by the law library fund resulting from the implementation of the new distribution method for money received from superior court filing fees.

(2) The law library board of trustees certifies that the law library is operating under this chapter.

(3) The Administrative Office of the Courts receives the request on or before February 15, 2006.

1 (b) *The amount of the advance shall be equal to one-twelfth of*
2 *the law library's total receipts from superior court fees for the*
3 *2003-04 fiscal year.*

4 (c) *The funding for the advance shall be provided from*
5 *amounts deposited into the bank account established by the*
6 *Administrative Office of the Courts under subdivision (b) of*
7 *Section 68085.1 of the Government Code. The advance shall be*
8 *returned within 30 days if a law library ceases to operate or the*
9 *responsibility for the law library is transferred from the law*
10 *library board of trustees.*

11 SEC. 10. *Section 6322.1 of the Business and Professions*
12 *Code is amended to read:*

13 6322.1. (a) ~~Except in counties containing a population of~~
14 ~~4,000,000 and over~~ *Until the end of the moratorium described in*
15 *Section 70601 of the Government Code, the board of supervisors*
16 *of any county may increase, as provided in this section, the costs*
17 ~~provided in Sections 6321 and 6322 to not more than twenty~~
18 ~~dollars (\$20) for each event therein described~~ *amount distributed*
19 *to its county law library fund from the uniform filing fees listed in*
20 *Section 6321 whenever it shall determine determines that the*
21 *increase is necessary to defray the expenses of the law library.*
22 ~~After January 1, 1995, the board of supervisors of the county~~
23 ~~may increase those costs to an amount over twenty dollars (\$20)~~
24 ~~but in no case may this increase in any year be greater than three~~
25 ~~dollars (\$3) if the board of supervisors excludes the library fee~~
26 ~~from the definition of the "total filing fee," nor more than five~~
27 ~~dollars (\$5) in any year if the library fee is included in the~~
28 ~~definition of "total filing fee," under Sections 26820.6 and 72055~~
29 ~~of the Government Code.~~

30 ~~Until January 1, 1994, the board of supervisors may exclude no~~
31 ~~more than eight dollars (\$8) of the increase in the law library fee~~
32 ~~over the law library fee that was in effect on January 1, 1990,~~
33 ~~from the definition of "total fee" under Sections 26820.6 and~~
34 ~~72055 of the Government Code. Any increase in the amount~~
35 ~~distributed to the law library fund in any county under this~~
36 ~~subdivision shall not be effective until January 1 of the next year~~
37 ~~after the adoption by the board of supervisors of the increase.~~
38 ~~The amount of the increase in any calendar year shall be no~~
39 ~~greater than three dollars (\$3) over the previous calendar year.~~
40 ~~A copy of the action of the board of supervisors that establishes~~

1 *the increase shall be provided to the Administrative Office of the*
 2 *Courts as soon as it becomes available but no later than*
 3 *December 15 of the year before the increased distribution goes*
 4 *into effect.*

5 *(b) Distribution changes after January 1, 2008, shall be*
 6 *determined by the process described in Section 70601 of the*
 7 *Government Code.*

8 *(c) (1) In no event may the total law library fee in actions and*
 9 *proceedings an action or proceeding in which a claim for money*
 10 *damages falls within the monetary jurisdiction of the small*
 11 *claims court and is filed by an assignee who is prohibited from*
 12 *filing or maintaining a claim pursuant to Section 116.420 of the*
 13 *Code of Civil Procedure exceed the law library fee in effect on*
 14 *January 1, 1990. To facilitate computation of the correct fee*
 15 *pursuant to this section, the uniform filing fee shall be reduced by*
 16 *fifteen dollars (\$15) to one hundred sixty-five dollars (\$165) if*
 17 *the complaint shall contain contains a declaration under penalty*
 18 *of perjury, executed by a the party requesting a the reduction in*
 19 *fees to the January 1, 1990, level, that the case filed qualifies for*
 20 *the lower fee because the claim for money damages will not*
 21 *exceed the monetary jurisdiction of small claims court and is*
 22 *filed by an assignee of the claim.*

23 *(b) In counties containing a population of 4,000,000 and over,*
 24 *the board of law library trustees may increase the costs provided*
 25 *in Sections 6321 and 6322 to not more than ten dollars (\$10) for*
 26 *each event therein described whenever it shall determine that the*
 27 *increase is necessary to defray the expenses of the law library.*
 28 *After January 1, 1995, the board of supervisors of the county*
 29 *may increase those costs to an amount over ten dollars (\$10) but*
 30 *in no case may this increase in any year be greater than two*
 31 *dollars (\$2) if the board of supervisors excludes the library fee*
 32 *from the definition of the "total filing fee," nor more than four*
 33 *dollars (\$4) in any year if the library fee is included in the*
 34 *definition of "total filing fee" under Sections 26820.6 and 72055*
 35 *of the Government Code.*

36 *Until January 1, 1994, the board of supervisors may exclude no*
 37 *more than eight dollars (\$8) of the increase in the law library fee*
 38 *over the law library fee that was in effect on January 1, 1990,*
 39 *from the definition of "total fee" under Sections 26820.6 and*
 40 *72055 of the Government Code.*

~~In no event may the total law library fee in actions and proceedings in which a claim for money damages falls within the monetary jurisdiction of small claims court and is filed by an assignee who is prohibited from filing or maintaining a claim pursuant to Section 116.420 of the Code of Civil Procedure exceed the law library fee in effect on January 1, 1990. To facilitate computation of the correct fee pursuant to this section, the complaint shall contain a declaration under penalty of perjury executed by a party requesting a reduction in fees to the January 1, 1990, level that the case filed qualifies for the lower fee because the claim for money damages will not exceed the monetary jurisdiction of small claims court and is filed by an assignee of the claim.~~

~~(c) Notwithstanding any other provision of law, any increase or decrease in costs of law library fees in any county shall not be effective until January 1 of the year next following adoption by the board of supervisors or the law library board of trustees of the increase or decrease, except that any fee increase adopted by a board of supervisors in 1990 in accordance with subdivision (a) or (b) may be immediately implemented in accordance with the resolution of the board of supervisors.~~

(2) When the uniform filing fee is reduced as provided under this subdivision, the amount distributed from each uniform filing fee to the law library fund in the county shall be as follows:

| <i>Jurisdiction</i> | <i>Amount</i> |
|--------------------------|----------------|
| <i>Alameda.....</i> | <i>\$12.00</i> |
| <i>Alpine.....</i> | <i>1.00</i> |
| <i>Amador.....</i> | <i>6.00</i> |
| <i>Butte.....</i> | <i>12.00</i> |
| <i>Calaveras.....</i> | <i>7.00</i> |
| <i>Colusa.....</i> | <i>12.00</i> |
| <i>Contra Costa.....</i> | <i>8.00</i> |
| <i>Del Norte.....</i> | <i>6.00</i> |
| <i>El Dorado.....</i> | <i>9.00</i> |
| <i>Fresno.....</i> | <i>9.00</i> |
| <i>Glenn.....</i> | <i>6.00</i> |
| <i>Humboldt.....</i> | <i>12.00</i> |
| <i>Imperial.....</i> | <i>12.00</i> |
| <i>Inyo.....</i> | <i>6.00</i> |

| | | |
|----|-------------------------|--------------|
| 1 | <i>Kern.....</i> | <i>12.00</i> |
| 2 | <i>Kings.....</i> | <i>12.00</i> |
| 3 | <i>Lake.....</i> | <i>12.00</i> |
| 4 | <i>Lassen.....</i> | <i>12.00</i> |
| 5 | <i>Los Angeles.....</i> | <i>5.00</i> |
| 6 | <i>Madera.....</i> | <i>12.00</i> |
| 7 | <i>Marin.....</i> | <i>12.00</i> |
| 8 | <i>Mariposa.....</i> | <i>4.00</i> |
| 9 | <i>Mendocino.....</i> | <i>12.00</i> |
| 10 | <i>Merced.....</i> | <i>12.00</i> |
| 11 | <i>Modoc.....</i> | <i>6.00</i> |
| 12 | <i>Mono.....</i> | <i>6.00</i> |
| 13 | <i>Monterey.....</i> | <i>10.00</i> |
| 14 | <i>Napa.....</i> | <i>12.00</i> |
| 15 | <i>Nevada.....</i> | <i>7.00</i> |

| | | |
|----|----------------------|-------|
| 1 | Orange..... | 8.00 |
| 2 | Placer..... | 7.00 |
| 3 | Plumas..... | 6.00 |
| 4 | Riverside..... | 12.00 |
| 5 | Sacramento..... | 8.50 |
| 6 | San Benito..... | 6.00 |
| 7 | San Bernardino..... | 12.00 |
| 8 | San Diego..... | 12.00 |
| 9 | San Francisco..... | 12.00 |
| 10 | San Joaquin..... | 10.00 |
| 11 | San Luis Obispo..... | 12.00 |
| 12 | San Mateo..... | 12.00 |
| 13 | Santa Barbara..... | 12.00 |
| 14 | Santa Clara..... | 8.00 |
| 15 | Santa Cruz..... | 12.00 |
| 16 | Shasta..... | 8.50 |
| 17 | Sierra..... | 9.00 |
| 18 | Siskiyou..... | 8.00 |
| 19 | Solano..... | 9.00 |
| 20 | Sonoma..... | 12.00 |
| 21 | Stanislaus..... | 6.50 |
| 22 | Sutter..... | 1.00 |
| 23 | Tehama..... | 9.00 |
| 24 | Trinity..... | 6.00 |
| 25 | Tulare..... | 12.00 |
| 26 | Tuolumne..... | 2.00 |
| 27 | Ventura..... | 12.00 |
| 28 | Yolo..... | 10.00 |
| 29 | Yuba..... | 7.00 |

30

31 *The increases described in subdivision (a) do not apply to the*
32 *law library distributions in this subdivision.*

33 *(3) Notwithstanding subdivision (d) of Section 68085.4 of the*
34 *Government Code, when the uniform filing fee is reduced as*
35 *provided in this subdivision, the amounts distributed to dispute*
36 *resolution programs, the State Court Facilities Construction*
37 *Fund, the Judges' Retirement Fund, children's waiting rooms,*
38 *and the Equal Access Fund shall remain as provided under*
39 *subdivisions (b) and (c) of Section 68085.4 of the Government*
40 *Code and shall not be changed. Only the amounts distributed to*

1 the Trial Court Trust Fund and the law libraries shall be
2 adjusted. If the fee is further reduced below one hundred
3 sixty-five dollars (\$165), as with a partial waiver or partial
4 payment, the proportional reductions described in subdivision
5 (g) of Section 68085.1 of the Government Code shall apply.

6 (d) Distributions under this section to the law library fund in
7 each county shall be used only for the purposes authorized by
8 this chapter.

9 (e) As used in this section and Section 6321, "law library
10 fund" includes a law library account described in the second
11 paragraph of Section 6320.

12 SEC. 11. Section 6323 of the Business and Professions Code
13 is repealed.

14 ~~6323. Such costs shall not be collected, however, in small~~
15 ~~claims courts, nor shall they be collected on the filing of a~~
16 ~~petition for letters of adoption, or the filing of a disclaimer.~~

17 SEC. 12. Section 6324 of the Business and Professions Code
18 is amended to read:

19 6324. ~~The board of supervisors of any county may set apart~~
20 ~~from the fees collected by the clerk of the court, sums not~~
21 ~~exceeding one thousand two hundred dollars (\$1,200) in any one~~
22 ~~fiscal year, to be paid by the clerk into the law library fund in~~
23 ~~addition to the moneys otherwise provided to be deposited in that~~
24 ~~fund by law. The board of supervisors may also appropriate from~~
25 ~~the county treasury for law library purposes such additional sums~~
26 ~~as may in their discretion appear proper. When so paid into the~~
27 ~~law library fund, such those sums shall constitute a part of the~~
28 ~~fund and be used for the same purposes.~~

29 SEC. 13. Section 6325 of the Business and Professions Code
30 is amended to read:

31 6325. ~~(a)~~ The orders and demands of the trustees of the law
32 library, when duly made and authenticated as hereinafter
33 provided, shall be verified and audited by the auditing officer,
34 and paid by the treasurer of the county out of the law library
35 fund. Full entry and record shall be kept as in other cases.

36 ~~(b) Notwithstanding subdivision (a), commencing July 1,~~
37 ~~1993, the auditing officer is not required to audit the orders and~~
38 ~~demands of the trustees of the law library. This subdivision shall~~
39 ~~become inoperative on July 1, 1994.~~

1 *SEC. 14. Section 6326 of the Business and Professions Code*
2 *is amended to read:*

3 6326. A revolving fund of not more than ~~seven~~ thirty
4 thousand ~~five hundred~~ dollars ~~(\$7,500)~~ (\$30,000) may be
5 established from money in the law library fund, by resolution of
6 the board of law library trustees, for expenditures of not
7 exceeding ~~seven hundred fifty~~ three thousand dollars ~~(\$750)~~
8 (\$3,000) each for purposes for which the law library fund may
9 lawfully be expended. The board shall prescribe the procedure by
10 which money may be drawn from the revolving fund, the records
11 to be kept, and the manner in which reimbursements shall be
12 made to the revolving fund by demand and order from the law
13 library fund. All or any part of the money in the revolving fund
14 may be deposited in a commercial account in a bank, subject to
15 payments of not exceeding ~~seven hundred fifty~~ three thousand
16 dollars ~~(\$750)~~ (\$3,000) each by check on the signature of the
17 secretary or any other person or persons designated by the board.

18 ~~SECTION 1.~~

19 *SEC. 15. Section 43.55 of the Civil Code is amended to read:*

20 43.55. (a) There shall be no liability on the part of, and no
21 cause of action shall arise against, any peace officer who makes
22 an arrest pursuant to a warrant of arrest regular upon its face if
23 the peace officer in making the arrest acts without malice and in
24 the reasonable belief that the person arrested is the one referred
25 to in the warrant.

26 (b) As used in this section, a “warrant of arrest regular upon its
27 face” includes both of the following:

28 (1) A paper arrest warrant that has been issued pursuant to a
29 judicial order.

30 (2) A judicial order that is entered into an automated warrant
31 system by law enforcement or court personnel authorized to
32 make those entries at or near the time the judicial order is made.

33 *SEC. 16. Section 2924j of the Civil Code is amended to read:*

34 2924j. (a) Unless an interpleader action has been filed,
35 within 30 days of the execution of the trustee’s deed resulting
36 from a sale in which there are proceeds remaining after payment
37 of the amounts required by paragraphs (1) and (2) of subdivision
38 (a) of Section 2924k, the trustee shall send written notice to all
39 persons with recorded interests in the real property as of the date
40 immediately prior to the trustee’s sale who would be entitled to

1 notice pursuant to subdivisions (b) and (c) of Section 2924b. The
2 notice shall be sent by first-class mail in the manner provided in
3 paragraph (1) of subdivision (c) of Section 2924b and inform
4 each entitled person of each of the following:

5 (1) That there has been a trustee's sale of the described real
6 property.

7 (2) That the noticed person may have a claim to all or a
8 portion of the sale proceeds remaining after payment of the
9 amounts required by paragraphs (1) and (2) of subdivision (a) of
10 Section 2924k.

11 (3) The noticed person may contact the trustee at the address
12 provided in the notice to pursue any potential claim.

13 (4) That before the trustee can act, the noticed person may be
14 required to present proof that the person holds the beneficial
15 interest in the obligation and the security interest therefor. In the
16 case of a promissory note secured by a deed of trust, proof that
17 the person holds the beneficial interest may include the original
18 promissory note and assignment of beneficial interests related
19 thereto. The noticed person shall also submit a written claim to
20 the trustee, executed under penalty of perjury, stating the
21 following:

22 (A) The amount of the claim to the date of trustee's sale.

23 (B) An itemized statement of the principal, interest, and other
24 charges.

25 (C) That claims must be received by the trustee at the address
26 stated in the notice no later than 30 days after the date the trustee
27 sends notice to the potential claimant.

28 (b) The trustee shall exercise due diligence to determine the
29 priority of the written claims received by the trustee to the
30 trustee's sale surplus proceeds from those persons to whom
31 notice was sent pursuant to subdivision (a). In the event there is
32 no dispute as to the priority of the written claims submitted to the
33 trustee, proceeds shall be paid within 30 days after the conclusion
34 of the notice period. If the trustee has failed to determine the
35 priority of written claims within 90 days following the 30-day
36 notice period, then within 10 days thereafter the trustee shall
37 deposit the funds with the clerk of the court pursuant to
38 subdivision (c) or file an interpleader action pursuant to
39 subdivision (e). Nothing in this section shall preclude any person
40 from pursuing other remedies or claims as to surplus proceeds.

1 (c) If, after due diligence, the trustee is unable to determine the
2 priority of the written claims received by the trustee to the
3 trustee's sale surplus of multiple persons or if the trustee
4 determines there is a conflict between potential claimants, the
5 trustee may file a declaration of the unresolved claims and
6 deposit with the clerk of the superior court of the county in which
7 the sale occurred, that portion of the sales proceeds that cannot
8 be distributed, less any fees charged by the clerk pursuant to this
9 subdivision. The declaration shall specify the date of the trustee's
10 sale, a description of the property, the names and addresses of all
11 persons sent notice pursuant to subdivision (a), a statement that
12 the trustee exercised due diligence pursuant to subdivision (b),
13 that the trustee provided written notice as required by
14 subdivisions (a) and (d) and the amount of the sales proceeds
15 deposited by the trustee with the court. Further, the trustee shall
16 submit a copy of the trustee's sales guarantee and any
17 information relevant to the identity, location, and priority of the
18 potential claimants with the court and shall file proof of service
19 of the notice required by subdivision (d) on all persons described
20 in subdivision (a).

21 The clerk shall deposit the amount with the county treasurer *or,*
22 *if a bank account has been established for moneys held in trust*
23 *under paragraph (2) of subdivision (a) of Section 77009 of the*
24 *Government Code, in that account,* subject to order of the court
25 upon the application of any interested party. The clerk may
26 charge a reasonable fee for the performance of activities pursuant
27 to this subdivision equal to the fee for filing an interpleader
28 action pursuant to ~~Article 2 Chapter 5.8~~ (commencing with
29 ~~Section 26820~~ 70600) of ~~Division 2 of~~ Title 8 of the
30 Government Code. Upon deposit of that portion of the sale
31 proceeds that cannot be distributed by due diligence, the trustee
32 shall be discharged of further responsibility for the disbursement
33 of sale proceeds. A deposit with the clerk of the court pursuant to
34 this subdivision may be either for the total proceeds of the
35 trustee's sale, less any fees charged by the clerk, if a conflict or
36 conflicts exist with respect to the total proceeds, or that portion
37 that cannot be distributed after due diligence, less any fees
38 charged by the clerk.

39 (d) Before the trustee deposits the funds with the clerk of the
40 court pursuant to subdivision (c), the trustee shall send written

notice by first-class mail, postage prepaid, to all persons described in subdivision (a) informing them that the trustee intends to deposit the funds with the clerk of the court and that a claim for the funds must be filed with the court within 30 days from the date of the notice, providing the address of the court in which the funds were deposited, and a telephone number for obtaining further information.

Within 90 days after deposit with the clerk, the court shall consider all claims filed at least 15 days before the date on which the hearing is scheduled by the court, the clerk shall serve written notice of the hearing by first-class mail on all claimants identified in the trustee's declaration at the addresses specified therein. Where the amount of the deposit is twenty-five thousand dollars (\$25,000) or less, a proceeding pursuant to this section is a limited civil case. The court shall distribute the deposited funds to any and all claimants entitled thereto.

(e) Nothing in this section restricts the ability of a trustee to file an interpleader action in order to resolve a dispute about the proceeds of a trustee's sale. Once an interpleader action has been filed, thereafter the provisions of this section do not apply.

(f) "Due diligence," for the purposes of this section means that the trustee researched the written claims submitted or other evidence of conflicts and determined that a conflict of priorities exists between two or more claimants which the trustee is unable to resolve.

(g) To the extent required by the Unclaimed Property Law, a trustee in possession of surplus proceeds not required to be deposited with the court pursuant to subdivision (b) shall comply with the Unclaimed Property Law (Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure).

(h) The trustee, beneficiary, or counsel to the trustee or beneficiary, is not liable for providing to any person who is entitled to notice pursuant to this section, information set forth in, or a copy of, subdivision (h) of Section 2945.3.

~~(i) Prior to July 1, 2000, the Judicial Council shall adopt a form to accomplish the filing authorized by this section.~~

SEC. 17. Section 116.230 of the Code of Civil Procedure, as amended by Section 1 of Chapter 159 of the Statutes of 2003, is repealed.

1 ~~116.230. (a) A fee of twenty dollars (\$20) shall be collected~~
2 ~~for the filing of a claim if the number of claims previously filed~~
3 ~~by the party in each court within the previous 12 months is 12 or~~
4 ~~less.~~

5 ~~(b) A fee of sixty dollars (\$60) shall be collected for the filing~~
6 ~~of any additional claims.~~

7 ~~(c) A fee to cover the actual cost of court service by mail,~~
8 ~~adjusted upward to the nearest dollar, shall be charged and~~
9 ~~collected for each defendant to whom the court clerk mails a~~
10 ~~copy of the claim under Section 116.340.~~

11 ~~(d) The number of claims filed by a party during the previous~~
12 ~~12 months shall be determined by a declaration by the party~~
13 ~~stating the number of claims so filed and submitted to the clerk~~
14 ~~with the current claim.~~

15 ~~(e) Five dollars (\$5) of the fee authorized in subdivision (a)~~
16 ~~shall be deposited upon collection in the special account in the~~
17 ~~county treasury established pursuant to subdivision (b) of Section~~
18 ~~68085 of the Government Code, and transmitted therefrom~~
19 ~~monthly to the Controller for deposit in the Trial Court Trust~~
20 ~~Fund.~~

21 ~~(f) Thirty dollars (\$30) of the fee authorized in subdivision (b)~~
22 ~~shall be deposited upon collection in the special account in the~~
23 ~~county treasury established pursuant to subdivision (b) of Section~~
24 ~~68085 of the Government Code and transmitted therefrom~~
25 ~~monthly to the Controller for deposit in the Trial Court Trust~~
26 ~~Fund.~~

27 ~~(g) This section shall become inoperative on July 1, 2006, and,~~
28 ~~as of January 1, 2007, is repealed, unless a later enacted statute~~
29 ~~that is enacted before January 1, 2007, deletes or extends the~~
30 ~~dates on which it becomes inoperative and is repealed.~~

31 ~~SEC. 18. Section 116.230 of the Code of Civil Procedure, as~~
32 ~~added by Section 2 of Chapter 159 of the Statutes of 2003, is~~
33 ~~repealed.~~

34 ~~116.230. (a) A fee of twenty dollars (\$20) shall be charged~~
35 ~~and collected for the filing of a claim if the number of claims~~
36 ~~previously filed by the party in each court within the previous 12~~
37 ~~months is 12 or less; and a fee of thirty-five dollars (\$35) shall be~~
38 ~~collected for the filing of any additional claims.~~

39 ~~(b) A fee to cover the actual cost of court service by mail,~~
40 ~~adjusted upward to the nearest dollar, shall be charged and~~

1 ~~collected for each defendant to whom the court clerk mails a~~
2 ~~copy of the claim under Section 116.340.~~

3 ~~(e) The number of claims filed by a party during the previous~~
4 ~~12 months shall be determined by a declaration by the party~~
5 ~~stating the number of claims so filed and submitted to the clerk~~
6 ~~with the current claim.~~

7 ~~(d) Five dollars (\$5) of the fees authorized in subdivision (a)~~
8 ~~shall be deposited upon collection in the special account in the~~
9 ~~county treasury established pursuant to subdivision (b) of Section~~
10 ~~68085 of the Government Code, and transmitted therefrom~~
11 ~~monthly to the Controller for deposit in the Trial Court Trust~~
12 ~~Fund.~~

13 ~~(e) This section shall become operative July 1, 2006.~~

14 *SEC. 19. Section 116.230 is added to the Code of Civil*
15 *Procedure, to read:*

16 *116.230. (a) In a small claims case, the clerk of the court*
17 *shall charge and collect only those fees authorized under this*
18 *chapter.*

19 *(b) If the party filing a claim has filed 12 or fewer small*
20 *claims in the state within the previous 12 months, the filing fee is*
21 *the following:*

22 *(1) Thirty dollars (\$30) if the amount of the demand is one*
23 *thousand five hundred dollars (\$1,500) or less.*

24 *(2) Fifty dollars (\$50) if the amount of the demand is more*
25 *than one thousand five hundred dollars (\$1,500).*

26 *(c) If the party has filed more than 12 other small claims in the*
27 *state within the previous 12 months, the filing fee is seventy-five*
28 *dollars (\$75).*

29 *(d) Each party filing a claim shall file a declaration with the*
30 *claim stating whether that party has filed more than 12 other*
31 *small claims in the state within the last 12 months.*

32 *(e) The clerk of the court shall deposit fees collected under*
33 *this section into a bank account established for this purpose by*
34 *the Administrative Office of the Courts and maintained under*
35 *rules adopted by or trial court financial policies and procedures*
36 *authorized by the Judicial Council under subdivision (a) of*
37 *Section 77206 of the Government Code. The deposits shall be*
38 *made as required under Section 68085.1 of the Government*
39 *Code and trial court financial policies and procedures*
40 *authorized by the Judicial Council.*

1 (f) *The Administrative Office of the Courts shall distribute six*
2 *dollars (\$6) of each thirty dollar (\$30) fee, eight dollars (\$8) of*
3 *each fifty dollar (\$50) fee, and fourteen dollars (\$14) of each*
4 *seventy-five dollar (\$75) fee collected under subdivision (b) or*
5 *(c) to a special account in the county in which the court is*
6 *located to be used for the small claims advisory services*
7 *described in Section 116.940. Records of these moneys shall be*
8 *available for inspection by the public on request.*

9 (g) *The remainder of the fees collected under subdivisions (b)*
10 *and (c) shall be transmitted monthly to the Controller for deposit*
11 *in the Trial Court Trust Fund.*

12 (h) *This section and Section 116.940 shall not be applied in*
13 *any manner that results in a reduction of the level of services, or*
14 *the amount of funds allocated for providing the services*
15 *described in Section 116.940, that are in existence in each county*
16 *during the 2004-05 fiscal year. Nothing in this section shall*
17 *preclude the county from procuring other funding to comply with*
18 *the requirements of Section 116.940.*

19 SEC. 20. *Section 116.230 is added to the Code of Civil*
20 *Procedure, to read:*

21 116.230. (a) *In a small claims case, the clerk of the court*
22 *shall charge and collect only those fees authorized under this*
23 *chapter.*

24 (b) *If the party filing a claim has filed 12 or fewer small*
25 *claims in the state within the previous 12 months, the filing fee is*
26 *the following:*

27 (1) *Thirty dollars (\$30) if the amount of the demand is one*
28 *thousand five hundred dollars (\$1,500) or less.*

29 (2) *Fifty dollars (\$50) if the amount of the demand is more*
30 *than one thousand five hundred dollars (\$1,500) but less than or*
31 *equal to five thousand dollars (\$5,000).*

32 (3) *Seventy-five (\$75) if the amount of the demand is more*
33 *than five thousand dollars (\$5,000).*

34 (c) *If the party has filed more than 12 other small claims in the*
35 *state within the previous 12 months, the filing fee is one hundred*
36 *dollars (\$100).*

37 (d) *Each party filing a claim shall file a declaration with the*
38 *claim stating whether that party has filed more than 12 other*
39 *small claims in the state within the last 12 months.*

1 (e) *The clerk of the court shall deposit fees collected under*
2 *this section into a bank account established for this purpose by*
3 *the Administrative Office of the Courts and maintained under*
4 *rules adopted by or trial court financial policies and procedures*
5 *authorized by the Judicial Council under subdivision (a) of*
6 *Section 77206 of the Government Code. The deposits shall be*
7 *made as required under Section 68085.1 of the Government*
8 *Code and trial court financial policies and procedures*
9 *authorized by the Judicial Council.*

10 (f) *The Administrative Office of the Courts shall distribute six*
11 *dollars (\$6) of each thirty dollar (\$30) fee, eight dollars (\$8) of*
12 *each fifty dollar (\$50) fee, ten dollars (\$10) of each seventy-five*
13 *dollar (\$75) fee, and fourteen dollars (\$14) of each one hundred*
14 *dollar (\$100) fee collected under subdivision (b) or (c) to a*
15 *special account in the county in which the court is located to be*
16 *used for the small claims advisory services described in Section*
17 *116.940. Records of these moneys shall be available for*
18 *inspection by the public on request.*

19 (g) *The remainder of the fees collected under subdivisions (b)*
20 *and (c) shall be transmitted monthly to the Controller for deposit*
21 *in the Trial Court Trust Fund.*

22 (h) *This section and Section 116.940 shall not be applied in*
23 *any manner that results in a reduction of the level of services, or*
24 *the amount of funds allocated for providing the services*
25 *described in Section 116.940, that are in existence in each county*
26 *during the 2004-05 fiscal year. Nothing in this section shall*
27 *preclude the county from procuring other funding to comply with*
28 *the requirements of Section 116.940.*

29 SEC. 21. *Section 116.232 is added to the Code of Civil*
30 *Procedure, to read:*

31 116.232. *A fee of ten dollars (\$10) shall be charged and*
32 *collected from the plaintiff for each defendant to whom the court*
33 *clerk mails a copy of the claim under Section 116.340. This fee*
34 *shall be distributed to the court in which it was collected.*

35 ~~SEC. 2.—~~

36 SEC. 22. *Section 116.330 of the Code of Civil Procedure is*
37 *amended to read:*

38 116.330. (a) *When a claim is filed, the clerk shall schedule*
39 *the case for hearing and shall issue an order directing the parties*
40 *to appear at the time set for the hearing with witnesses and*

1 documents to prove their claim or defense. The case shall be
2 scheduled for hearing no earlier than 20 days but not more than
3 70 days from the date of the order.

4 (b) In lieu of the method of setting the case for hearing
5 described in subdivision (a), at the time a claim is filed the clerk
6 may do all of the following:

7 (1) Cause a copy of the claim to be mailed to the defendant by
8 any form of mail providing for a return receipt.

9 (2) On receipt of proof that the claim was served as provided
10 in paragraph (1), issue an order scheduling the case for hearing in
11 accordance with subdivision (a) and directing the parties to
12 appear at the time set for the hearing with witnesses and
13 documents to prove their claim or defense.

14 (3) Cause a copy of the order setting the case for hearing and
15 directing the parties to appear, to be served upon the parties by
16 any form of mail providing for a return receipt.

17 ~~SEC. 3.—~~

18 *SEC. 23.* Section 116.340 of the Code of Civil Procedure is
19 amended to read:

20 116.340. (a) Service of the claim and order on the defendant
21 may be made by any one of the following methods:

22 (1) The clerk may cause a copy of the claim and order to be
23 mailed to the defendant by any form of mail providing for a
24 return receipt.

25 (2) The plaintiff may cause a copy of the claim and order to be
26 delivered to the defendant in person.

27 (3) The plaintiff may cause service of a copy of the claim and
28 order to be made by substituted service as provided in
29 subdivision (a) or (b) of Section 415.20 without the need to
30 attempt personal service on the defendant. For these purposes,
31 substituted service as provided in subdivision (b) of Section
32 415.20 may be made at the office of the sheriff or marshal who
33 shall deliver a copy of the claim and order to any person
34 authorized by the defendant to receive service, as provided in
35 Section 416.90, who is at least 18 years of age, and thereafter
36 mailing a copy of the claim and order to the defendant's usual
37 mailing address.

38 (4) The clerk may cause a copy of the claim to be mailed, the
39 order to be issued, and a copy of the order to be mailed as
40 provided in subdivision (b) of Section 116.330.

1 (b) Proof of service of the claim and order shall be filed with
2 the small claims court at least five days before the hearing.

3 (c) Service of the claim and order on the defendant shall be
4 completed at least 15 days before the hearing date if the
5 defendant resides within the county in which the action is filed,
6 or at least 20 days before the hearing date if the defendant resides
7 outside the county in which the action is filed.

8 (d) Service by the methods described in subdivision (a) shall
9 be deemed complete on the date that the defendant signs the mail
10 return receipt, on the date of the personal service, as provided in
11 Section 415.20, or as established by other competent evidence,
12 whichever applies to the method of service used.

13 (e) Service shall be made within this state, except as provided
14 in subdivisions (f) and (g).

15 (f) The owner of record of real property in California who
16 resides in another state and who has no lawfully designated agent
17 in California for service of process may be served by any of the
18 methods described in this section if the claim relates to that
19 property.

20 (g) A nonresident owner or operator of a motor vehicle
21 involved in an accident within this state may be served pursuant
22 to the provisions on constructive service in Sections 17450 to
23 17461, inclusive, of the Vehicle Code without regard to whether
24 the defendant was a nonresident at the time of the accident or
25 when the claim was filed. Service shall be made by serving both
26 the Director of the California Department of Motor Vehicles and
27 the defendant, and may be made by any of the methods
28 authorized by this chapter or by registered mail as authorized by
29 Section 17454 or 17455 of the Vehicle Code.

30 (h) If an action is filed against a principal and his or her
31 guaranty or surety pursuant to a guarantor or suretyship
32 agreement, a reasonable attempt shall be made to complete
33 service on the principal. If service is not completed on the
34 principal, the action shall be transferred to the court of
35 appropriate jurisdiction.

36 *SEC. 24. Section 116.390 of the Code of Civil Procedure is*
37 *amended to read:*

38 116.390. (a) If a defendant has a claim against a plaintiff that
39 exceeds the jurisdictional limits stated in Sections 116.220 and
40 116.231, and the claim relates to the contract, transaction, matter,

1 or event which is the subject of the plaintiff's claim, the
2 defendant may commence an action against the plaintiff in a
3 court of competent jurisdiction and request the small claims court
4 to transfer the small claims action to that court.

5 (b) The defendant may make the request by filing with the
6 small claims court in which the plaintiff commenced the action,
7 at or before the time set for the hearing of that action, a
8 declaration stating the facts concerning the defendant's action
9 against the plaintiff with a true copy of the complaint so filed by
10 the defendant against the plaintiff ~~and the sum of one dollar (\$1)~~
11 ~~for a transmittal fee.~~ The defendant shall cause a copy of the
12 declaration and complaint to be personally delivered to the
13 plaintiff at or before the time set for the hearing of the small
14 claims action.

15 (c) In ruling on a motion to transfer, the small claims court
16 may do any of the following: (1) render judgment on the small
17 claims case prior to the transfer; (2) not render judgment and
18 transfer the small claims case; (3) refuse to transfer the small
19 claims case on the grounds that the ends of justice would not be
20 served. If the small claims action is transferred prior to judgment,
21 both actions shall be tried together in the transferee court.

22 (d) When the small claims court orders the action transferred,
23 it shall transmit all files and papers to the transferee court.

24 (e) The plaintiff in the small claims action shall not be
25 required to pay to the clerk of the transferee court any
26 transmittal, appearance, or filing fee unless the plaintiff appears
27 in the transferee court, in which event the plaintiff shall be
28 required to pay the filing fee and any other fee required of a
29 defendant in the transferee court. However, if the transferee court
30 rules against the plaintiff in the action filed in that court, the
31 court may award to the defendant in that action the costs incurred
32 as a consequence of the transfer, including attorney's fees and
33 filing fees.

34 ~~SEC. 4.—~~

35 *SEC. 25.* Section 116.725 of the Code of Civil Procedure is
36 repealed.

37 ~~SEC. 5.—~~

38 *SEC. 26.* Section 116.725 is added to the Code of Civil
39 Procedure, to read:

1 116.725. (a) A motion to correct a clerical error in a judgment
2 or to set aside and vacate a judgment on the ground of an
3 incorrect or erroneous legal basis for the decision may be made
4 as follows:

5 (1) By the court on its own motion at any time.

6 (2) By a party within 30 days after the clerk mails notice of
7 entry of judgment to the parties.

8 (b) Each party may file only one motion to correct a clerical
9 error or to set aside and vacate the judgment on the ground of an
10 incorrect or erroneous legal basis for the decision.

11 *SEC. 27. Section 116.745 of the Code of Civil Procedure is*
12 *amended to read:*

13 116.745. The clerk shall ~~charge and collect fees~~ *a fee of*
14 *twenty dollars (\$20) for the filing of a motion to vacate, as*
15 *provided by Section 26830 of the Government Code.*

16 *SEC. 28. Section 116.760 of the Code of Civil Procedure is*
17 *amended to read:*

18 116.760. (a) The appealing party shall ~~pay the same fees that~~
19 ~~are required for an appeal of a limited civil case~~ *a fee of*
20 *seventy-five dollars (\$75) for filing a notice of appeal.*

21 (b) A party who does not appeal shall not be charged any fee
22 for filing any document relating to the appeal.

23 (c) *The fee shall be distributed as follows:*

24 (1) *To the county law library fund, as provided in Section*
25 *6320 of the Business and Professions Code, the amount specified*
26 *in Section 6321 and 6322.1 of the Business and Professions*
27 *Code.*

28 (2) *To the Trial Court Trust Fund, the remainder of the fee.*

29 ~~SEC. 6.—~~

30 *SEC. 29. Section 116.780 of the Code of Civil Procedure is*
31 *amended to read:*

32 116.780. (a) The judgment of the superior court after a
33 hearing on appeal is final and not appealable.

34 (b) Article 6 (commencing with Section 116.610) on
35 judgments of the small claims court applies to judgments of the
36 superior court after a hearing on appeal, except as provided in
37 subdivisions (c) and (d).

38 (c) For good cause and where necessary to achieve substantial
39 justice between the parties, the superior court may award a party
40 to an appeal reimbursement of (1) attorney's fees actually and

1 reasonably incurred in connection with the appeal, not exceeding
2 one hundred fifty dollars (\$150), and (2) actual loss of earnings
3 and expenses of transportation and lodging actually and
4 reasonably incurred in connection with the appeal, not exceeding
5 one hundred fifty dollars (\$150).

6 *SEC. 30. Section 116.820 of the Code of Civil Procedure is*
7 *amended to read:*

8 116.820. (a) The judgment of a small claims court may be
9 enforced as provided in Title 9 (commencing with Section
10 680.010) of Part 2 and in Sections 674 and 1174 on the
11 enforcement of judgments of other courts. A judgment of the
12 superior court after a hearing on appeal, and after transfer to the
13 small claims court under subdivision (d) of Section 116.780, may
14 be enforced like other judgments of the small claims court, as
15 provided in Title 9 (commencing with Section 680.010) of Part 2
16 and in Sections 674 and 1174 on the enforcement of judgments
17 of other courts.

18 (b) ~~The fees specified in Sections 26828, 26830, and 26834~~
19 ~~subdivision (a) of Section 70626 of the Government Code shall~~
20 ~~be charged and collected by the clerk for the issuance of a writ of~~
21 ~~execution, an order of examination of a judgment debtor, or an~~
22 ~~abstract of judgment. Except as provided in Section 26830 of the~~
23 ~~Government Code, all the fees shall be deposited in a special~~
24 ~~account in the county treasury and transmitted therefrom to the~~
25 ~~Controller for deposit in~~ *The fee specified in Section 70617 of the*
26 *Government Code shall be charged for an application for an*
27 *order of examination of a judgment debtor. The clerk shall*
28 *immediately deposit all the fees collected under this section into*
29 *a bank account established for this purpose by the Administrative*
30 *Office of the Courts. The money shall be remitted to the State*
31 *Treasury under rules adopted by, or trial court financial policies*
32 *and procedures authorized by, the Judicial Council under*
33 *subdivision (a) of Section 77206 of the Government Code. The*
34 *Controller shall distribute the fees to the Trial Court Trust Fund*
35 *as provided in Section 68085.1 of the Government Code.*

36 (c) The prevailing party in any action subject to this chapter is
37 entitled to the costs of enforcing the judgment and accrued
38 interest.

39 *SEC. 31. Section 116.860 of the Code of Civil Procedure is*
40 *amended to read:*

1 116.860. (a) A judgment debtor who desires to make
2 payment to the court in which the judgment was entered may file
3 a request to make payment, which shall be made on a form
4 approved or adopted by the Judicial Council.

5 (b) Upon the filing of the request to make payment and the
6 payment to the clerk of the amount of the judgment and any
7 accrued interest and costs after judgment, plus any required fee
8 authorized by this section, the clerk shall enter satisfaction of the
9 judgment and shall remit payment to the judgment creditor as
10 provided in this section.

11 (c) If partial payment of the judgment has been made to the
12 judgment creditor, and the judgment debtor files the declaration
13 and evidence of partial payment described in subdivision (d) of
14 Section 116.850, the clerk shall enter satisfaction of the judgment
15 upon receipt by the clerk of the balance owing on the judgment,
16 including any accrued interest and costs after judgment, and the
17 fee required by this section.

18 (d) If payment is made by means other than money order,
19 certified or cashier's check, or cash, entry of satisfaction of the
20 judgment shall be delayed for 30 days.

21 (e) The clerk shall notify the judgment creditor, at his or her
22 last known address, that the judgment debtor has satisfied the
23 judgment by making payment to the court. The notification shall
24 explain the procedures which the judgment creditor has to follow
25 to receive payment.

26 (f) For purposes of this section, "costs after judgment" consist
27 of only those costs itemized in a memorandum of costs filed by
28 the judgment creditor or otherwise authorized by the court.

29 (g) Payments that remain unclaimed *for three years* shall go to
30 the ~~local agency superior court~~ pursuant to ~~Sections 50050 to~~
31 ~~50056, inclusive, Section 68084.1~~ of the Government Code.

32 (h) ~~The board of supervisors shall set a fee, not to exceed the~~
33 ~~actual costs of administering this section, up to a maximum of~~
34 ~~twenty-five twenty dollars (\$25), which (\$20) shall be paid by the~~
35 ~~judgment debtor for the costs of administering this section.~~

36 *SEC. 32. Section 116.910 of the Code of Civil Procedure is*
37 *repealed.*

38 ~~116.910. (a) Except as provided in this chapter (including,~~
39 ~~but not limited to, Section 116.230), no fee or charge shall be~~

1 collected by any officer for any service provided under this
2 chapter.

3 (b) All fees collected under this chapter shall be deposited
4 with the treasurer of the city and county or county in whose
5 jurisdiction the court is located.

6 (c) Six dollars (\$6) of each fifteen dollar (\$15) fee and
7 fourteen dollars (\$14) of each thirty dollar (\$30) fee charged and
8 collected under subdivision (a) of Section 116.230 shall be
9 deposited by each county in a special account. Of the money
10 deposited in this account:

11 (1) In counties with a population of less than 4,000,000, a
12 minimum of 50 percent shall be used to fund the small claims
13 adviser service described in Section 116.940. The remainder of
14 these funds shall be used for court and court-related programs.
15 Records of these moneys shall be available for inspection by the
16 public on request.

17 (2) In counties with a population of at least 4,000,000, not less
18 than five hundred thousand dollars (\$500,000) shall be used to
19 fund the small claims adviser service described in Section
20 116.940. That amount shall be increased each fiscal year by an
21 amount equal to the percentage increase in revenues derived from
22 small claims court filing fees over the prior fiscal year. The
23 remainder of these funds shall be used for court and court-related
24 programs. Records of these moneys shall be available for
25 inspection by the public on request.

26 (d) This section and Section 116.940 shall not be applied in
27 any manner that results in a reduction of the level of services, or
28 the amount of funds allocated for providing the services
29 described in Section 116.940, that are in existence in each county
30 during the fiscal year 1989-90. Nothing in this section shall
31 preclude the county from procuring other funding, including state
32 court block grants, to comply with the requirements of Section
33 116.940.

34 SEC. 7.—

35 SEC. 33. Section 128.7 of the Code of Civil Procedure is
36 amended to read:

37 128.7. (a) Every pleading, petition, written notice of motion,
38 or other similar paper shall be signed by at least one attorney of
39 record in the attorney's individual name, or, if the party is not
40 represented by an attorney, shall be signed by the party. Each

1 paper shall state the signer's address and telephone number, if
2 any. Except when otherwise provided by law, pleadings need not
3 be verified or accompanied by affidavit. An unsigned paper shall
4 be stricken unless omission of the signature is corrected promptly
5 after being called to the attention of the attorney or party.

6 (b) By presenting to the court, whether by signing, filing,
7 submitting, or later advocating, a pleading, petition, written
8 notice of motion, or other similar paper, an attorney or
9 unrepresented party is certifying that to the best of the person's
10 knowledge, information, and belief, formed after an inquiry
11 reasonable under the circumstances, all of the following
12 conditions are met:

13 (1) It is not being presented primarily for an improper purpose,
14 such as to harass or to cause unnecessary delay or needless
15 increase in the cost of litigation.

16 (2) The claims, defenses, and other legal contentions therein
17 are warranted by existing law or by a nonfrivolous argument for
18 the extension, modification, or reversal of existing law or the
19 establishment of new law.

20 (3) The allegations and other factual contentions have
21 evidentiary support or, if specifically so identified, are likely to
22 have evidentiary support after a reasonable opportunity for
23 further investigation or discovery.

24 (4) The denials of factual contentions are warranted on the
25 evidence or, if specifically so identified, are reasonably based on
26 a lack of information or belief.

27 (c) If, after notice and a reasonable opportunity to respond, the
28 court determines that subdivision (b) has been violated, the court
29 may, subject to the conditions stated below, impose an
30 appropriate sanction upon the attorneys, law firms, or parties that
31 have violated subdivision (b) or are responsible for the violation.
32 In determining what sanctions, if any, should be ordered, the
33 court shall consider whether a party seeking sanctions has
34 exercised due diligence.

35 (1) A motion for sanctions under this section shall be made
36 separately from other motions or requests and shall describe the
37 specific conduct alleged to violate subdivision (b). Notice of
38 motion shall be served as provided in Section 1010, but shall not
39 be filed with or presented to the court unless, within 21 days after
40 service of the motion, or any other period as the court may

1 prescribe, the challenged paper, claim, defense, contention,
2 allegation, or denial is not withdrawn or appropriately corrected.
3 If warranted, the court may award to the party prevailing on the
4 motion the reasonable expenses and attorney's fees incurred in
5 presenting or opposing the motion. Absent exceptional
6 circumstances, a law firm shall be held jointly responsible for
7 violations committed by its partners, associates, and employees.

8 (2) On its own motion, the court may enter an order describing
9 the specific conduct that appears to violate subdivision (b) and
10 directing an attorney, law firm, or party to show cause why it has
11 not violated subdivision (b), unless, within 21 days of service of
12 the order to show cause, the challenged paper, claim, defense,
13 contention, allegation, or denial is withdrawn or appropriately
14 corrected.

15 (d) A sanction imposed for violation of subdivision (b) shall
16 be limited to what is sufficient to deter repetition of this conduct
17 or comparable conduct by others similarly situated. Subject to the
18 limitations in paragraphs (1) and (2), the sanction may consist of,
19 or include, directives of a nonmonetary nature, an order to pay a
20 penalty into court, or, if imposed on motion and warranted for
21 effective deterrence, an order directing payment to the movant of
22 some or all of the reasonable attorney's fees and other expenses
23 incurred as a direct result of the violation.

24 (1) Monetary sanctions may not be awarded against a
25 represented party for a violation of paragraph (2) of subdivision
26 (b).

27 (2) Monetary sanctions may not be awarded on the court's
28 motion unless the court issues its order to show cause before a
29 voluntary dismissal or settlement of the claims made by or
30 against the party that is, or whose attorneys are, to be sanctioned.

31 (e) When imposing sanctions, the court shall describe the
32 conduct determined to constitute a violation of this section and
33 explain the basis for the sanction imposed.

34 (f) In addition to any award pursuant to this section for
35 conduct described in subdivision (b), the court may assess
36 punitive damages against the plaintiff upon a determination by
37 the court that the plaintiff's action was an action maintained by a
38 person convicted of a felony against the person's victim, or the
39 victim's heirs, relatives, estate, or personal representative, for
40 injuries arising from the acts for which the person was convicted

1 of a felony, and that the plaintiff is guilty of fraud, oppression, or
2 malice in maintaining the action.

3 (g) This section shall not apply to disclosures and discovery
4 requests, responses, objections, and motions.

5 (h) A motion for sanctions brought by a party or a party's
6 attorney primarily for an improper purpose, such as to harass or
7 to cause unnecessary delay or needless increase in the cost of
8 litigation, shall itself be subject to a motion for sanctions. It is the
9 intent of the Legislature that courts shall vigorously use its
10 sanctions authority to deter that improper conduct or comparable
11 conduct by others similarly situated.

12 (i) This section shall apply to a complaint or petition filed on
13 or after January 1, 1995, and any other pleading, written notice of
14 motion, or other similar paper filed in that matter.

15 *SEC. 34. Section 177.5 of the Code of Civil Procedure is*
16 *amended to read:*

17 177.5. A judicial officer shall have the power to impose
18 reasonable money sanctions, not to exceed fifteen hundred
19 dollars (\$1,500), notwithstanding any other provision of law,
20 payable to the ~~county in which the judicial officer is located~~
21 *court*, for any violation of a lawful court order by a person, done
22 without good cause or substantial justification. This power shall
23 not apply to advocacy of counsel before the court. For the
24 purposes of this section, the term "person" includes a witness, a
25 party, a party's attorney, or both.

26 Sanctions pursuant to this section shall not be imposed except
27 on notice contained in a party's moving or responding papers; or
28 on the court's own motion, after notice and opportunity to be
29 heard. An order imposing sanctions shall be in writing and shall
30 recite in detail the conduct or circumstances justifying the order.

31 *SEC. 35. Section 209 of the Code of Civil Procedure, as*
32 *amended by Section 1 of Chapter 359 of the Statutes of 2003, is*
33 *amended to read:*

34 209. (a) Any prospective trial juror who has been summoned
35 for service, and who fails to attend as directed or to respond to
36 the court or jury commissioner and to be excused from
37 attendance, may be attached and compelled to attend. Following
38 an order to show cause hearing, the court may find the
39 prospective juror in contempt of court, punishable by fine,
40 incarceration, or both, as otherwise provided by law.

(b) In lieu of imposing sanctions for contempt as set forth in subdivision (a), the court may impose reasonable monetary sanctions, as provided in this subdivision, on a prospective juror who has not been excused pursuant to Section 204 after first providing the prospective juror with notice and an opportunity to be heard. If a juror fails to respond to the initial summons within 12 months, the court may issue a second summons indicating that the person failed to appear in response to a previous summons and ordering the person to appear for jury duty. Upon the failure of the juror to appear in response to the second summons, the court may issue a failure to appear notice informing the person that failure to respond may result in the imposition of money sanctions. If the prospective juror does not attend the court within the time period as directed by the failure to appear notice, the court shall issue an order to show cause. Payment of monetary sanctions imposed pursuant to this subdivision does not relieve the person of his or her obligation to perform jury duty.

(c) (1) The court may give notice of its intent to impose sanctions by either of the following means:

(A) Verbally to a prospective juror appearing in person in open court.

(B) The issuance on its own motion of an order to show cause requiring the prospective juror to demonstrate reasons for not imposing sanctions. The court may serve the order to show cause by certified or first-class mail.

(2) The monetary sanctions imposed pursuant to subdivision (b) may not exceed two hundred fifty dollars (\$250) for the first violation, seven hundred fifty dollars (\$750) for the second violation, and one thousand five hundred dollars (\$1,500) for the third and any subsequent violation. Monetary sanctions may not be imposed on a prospective juror more than once during a single juror pool cycle. The prospective juror may be excused from paying sanctions pursuant to subdivision (b) of Section 204 or in the interests of justice. ~~Notwithstanding any other provision of law, the~~ The full amount of any sanction paid shall be deposited in a ~~special account in the county treasury~~ bank account established for this purpose by the Administrative Office of the Courts and transmitted from that account monthly to the Controller for deposit in the Trial Court Trust Fund, *as provided in Section 68085.1 of the Government Code*. It is the intent of the

Legislature that the funds derived from the monetary sanctions authorized in this section be allocated, to the extent feasible, to the family courts and the civil courts. The Judicial Council shall, by rule, provide for a procedure by which a prospective juror against whom a sanction has been imposed by default may move to set aside the default.

(d) On or before December 31, 2005, the Judicial Council shall report to the Legislature regarding the effects of the implementation of subdivisions (b) and (c). The report shall include, but not be limited to, information regarding any change in rates of response to juror summons, the amount of moneys collected pursuant to subdivision (c), the efficacy of the default procedures adopted in rules of court, and how, if at all, the Legislature may wish to alter this chapter to further attainment of its objectives.

(e) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

~~SEC. 8.—~~

SEC. 36. Section 396b of the Code of Civil Procedure is amended to read:

396b. (a) Except as otherwise provided in Section 396a, if an action or proceeding is commenced in a court having jurisdiction of the subject matter thereof, other than the court designated as the proper court for the trial thereof, under this title, the action may, notwithstanding, be tried in the court where commenced, unless the defendant, at the time he or she answers, demurs, or moves to strike, or, at his or her option, without answering, demurring, or moving to strike and within the time otherwise allowed to respond to the complaint, files with the clerk, a notice of motion for an order transferring the action or proceeding to the proper court, together with proof of service, upon the adverse party, of a copy of those papers. Upon the hearing of the motion the court shall, if it appears that the action or proceeding was not commenced in the proper court, order the action or proceeding transferred to the proper court.

(b) In its discretion, the court may order the payment to the prevailing party of reasonable expenses and attorney's fees incurred in making or resisting the motion to transfer whether or

1 not that party is otherwise entitled to recover his or her costs of
2 action. In determining whether that order for expenses and fees
3 shall be made, the court shall take into consideration (1) whether
4 an offer to stipulate to change of venue was reasonably made and
5 rejected, and (2) whether the motion or selection of venue was
6 made in good faith given the facts and law the party making the
7 motion or selecting the venue knew or should have known. As
8 between the party and his or her attorney, those expenses and
9 fees shall be the personal liability of the attorney not chargeable
10 to the party. Sanctions shall not be imposed pursuant to this
11 subdivision except on notice contained in a party's papers, or on
12 the court's own noticed motion, and after opportunity to be
13 heard.

14 (c) The court in a proceeding for dissolution of marriage or
15 legal separation or under the Uniform Parentage Act (Part 3
16 commencing with Section 7600) of Division 12 of the Family
17 Code) may, prior to the determination of the motion to transfer,
18 consider and determine motions for allowance of temporary
19 spousal support, support of children, and counsel fees and costs,
20 and motions to determine custody of and visitation with children,
21 and may make all necessary and proper orders in connection
22 therewith.

23 (d) In any case, if an answer is filed, the court may consider
24 opposition to the motion to transfer, if any, and may retain the
25 action in the county where commenced if it appears that the
26 convenience of the witnesses or the ends of justice will thereby
27 be promoted.

28 (e) If the motion to transfer is denied, the court shall allow the
29 defendant time to move to strike, demur, or otherwise plead if the
30 defendant has not previously filed a response.

31 *SEC. 37. Section 403.060 of the Code of Civil Procedure is*
32 *amended to read:*

33 403.060. (a) ~~The fee for~~ For reclassification of a case from a
34 limited civil case to an unlimited civil case ~~shall be one hundred~~
35 ~~twenty-five dollars (\$125), a fee shall be charged as provided in~~
36 *Section 70619 of the Government Code.* This reclassification fee
37 shall be in addition to any other fee due for that appearance or
38 filing in a limited civil case. No additional amounts shall be
39 charged for appearance or filing fees paid prior to

1 reclassification. After reclassification, the fees ordinarily charged
2 in an unlimited case shall be charged.

3 (b) If a reclassification fee is required and is not paid at the
4 time an amended complaint or other initial pleading, a
5 cross-complaint, or a stipulation for reclassification is filed under
6 Section 403.020, 403.030, or 403.050, the clerk shall not
7 reclassify the case and the case shall remain and proceed as a
8 limited civil case.

9 (c) No fee shall be charged for reclassification of a case from
10 an unlimited civil case to a limited civil case. The fees ordinarily
11 required for filing or appearing in a limited civil case shall be
12 charged at the time of filing a pleading that reclassifies the case.
13 Parties are not entitled to a refund of the difference between any
14 fees previously paid for appearance or filing in an unlimited civil
15 case and the fees due in a limited civil case. After
16 reclassification, the fees ordinarily charged in a limited civil case
17 shall be charged.

18 *SEC. 38. Section 411.20 of the Code of Civil Procedure is*
19 *amended to read:*

20 411.20. (a) If the clerk accepts for filing a complaint or other
21 first paper, or any subsequent filing, and payment is made by
22 check which is later returned without payment, the clerk shall, by
23 mail, notify the party who tendered the check that ~~he or she~~ (1)
24 ~~the check has been returned without payment, (2) the~~
25 ~~administrative charge specified in subdivision (g) has been~~
26 ~~imposed to reimburse the court for the costs of processing the~~
27 ~~returned check and providing the notice specified in this~~
28 ~~subdivision, and (3) the party has 20 days from the date of~~
29 ~~mailing of the notice within which to pay the filing fee and the~~
30 ~~administrative charge, except as provided in subdivision (d),~~
31 ~~either by (e). The notice also shall state that the administrative~~
32 ~~charge and the filing fee shall be paid in cash or, by certified~~
33 ~~check. If a complaint or other first paper, or any subsequent~~
34 ~~filing, is accompanied by payment in an amount less than the~~
35 ~~required fee, the clerk shall accept the paper for filing and, by~~
36 ~~mail, notify the party tendering the check that he or she has 20~~
37 ~~days from the date of mailing of the notice within which to pay~~
38 ~~the amount due, except as provided in subdivision (d), or by~~
39 ~~other means specified by the court, but not by traveler's check or~~
40 ~~personal check. If the person who tendered the check is not a~~

1 party to the action or proposed action, but only is acting on
2 behalf of a party, the clerk shall notify not only the person who
3 tendered the check, but also the party or that party's attorney if
4 the party is represented. The clerk's certificate as to the mailing
5 of notice pursuant to this section establishes a rebuttable
6 presumption that the fees were not paid. This presumption is a
7 presumption affecting the burden of producing evidence.

8 (b) The clerk shall void the filing if the party who tendered a
9 returned check or on whose behalf a returned check was
10 tendered, ~~or the party who paid less than the required fee or on~~
11 ~~whose behalf the fee was paid,~~ has not paid the *full amount of the*
12 *fee and the administrative charge—either by cash or certified*
13 ~~check~~ *a means specified in subdivision (a)* within 20 days of the
14 date on which the notice required by subdivision (a) was mailed.
15 Any filing voided by this section can be disposed of ~~without~~
16 ~~microfilming~~ immediately after the 20 days have elapsed *without*
17 *preserving a copy in the court records, notwithstanding Section*
18 *68152 of the Government Code.*

19 (c) If an adverse party files a ~~pleading in~~ response to a
20 complaint, paper or filing referred to in subdivision (a), together
21 with a filing fee, and the original filing is voided pursuant to
22 subdivision (b), ~~the adverse party's responsive~~ filing is not
23 required; ~~and the adverse shall be voided. The court shall, by~~
24 ~~mail, provide notice to the parties or their attorneys that the~~
25 ~~initial paper and the response have been voided. The responding~~
26 ~~party's filing fee shall be refunded upon request. If an adverse~~
27 ~~party tenders a check that is returned without payment, the~~
28 ~~procedures in subdivisions (a) and (b) shall apply, provided that~~
29 ~~the request for a refund is made within 20 days from the date on~~
30 ~~which the notice was mailed. Upon receipt of the request, the~~
31 ~~court shall refund the responding party's filing fee without~~
32 ~~imposing any administrative charge. A refund under this~~
33 ~~subdivision is available if the adverse party has filed only a~~
34 ~~responsive pleading, but not if the party has also filed a~~
35 ~~cross-complaint or other first paper seeking affirmative relief for~~
36 ~~which there is a filing fee.~~

37 (d) If an adverse party, or a person acting on behalf of the
38 adverse party, tenders a check for a required filing fee that is
39 later returned without payment, the procedures in subdivisions
40 (a) and (b) shall apply.

1 ~~(d)~~

2 (e) If any trial or other hearing is scheduled to be heard prior
3 to the expiration of the 20-day period provided for in subdivision
4 (a), the fee shall be paid prior to the trial or hearing. Failure of
5 the party to pay the fee prior to the trial or hearing date shall
6 cause the court to void the filing and proceed as if it had not been
7 filed.

8 ~~(e)~~

9 (f) If the clerk performs a service or issues any document for
10 which a fee is required and payment is made by check which is
11 later returned without payment, ~~or if payment is in an amount~~
12 ~~less than the required fee~~, the court may order further
13 proceedings suspended as to the party for whom the check was
14 tendered. If the court so orders, the clerk shall, by mail, notify the
15 party who tendered the check that proceedings have been
16 suspended until the receipt of payment of the required fee ~~either~~
17 *and the administrative charge specified in subdivision (g), by*
18 *cash or by certified cashier's check, or other means specified by*
19 *the court, but not by personal check or traveler's check.* If the
20 person who tendered the check is not a party to the action or
21 proposed action, but only is acting on behalf of a party, the clerk
22 shall notify not only the person who tendered the check, but also
23 the party or that party's attorney if the party is represented. The
24 clerk's certificate as to the mailing of notice pursuant to this
25 section establishes a rebuttable presumption that the fees were
26 not paid. This presumption is a presumption affecting the burden
27 of producing evidence.

28 (g) *The clerk shall impose an administrative charge for*
29 *providing notice that a check submitted for a filing fee has been*
30 *returned without payment and for all related administrative,*
31 *clerical, and other costs incurred under this section. The*
32 *administrative charge shall, in each instance, be either*
33 *twenty-five dollars (\$25) or a reasonable amount that does not*
34 *exceed the actual cost incurred by the court, as determined by*
35 *the court. The notices provided by the court under subdivisions*
36 *(a) and (f) shall state the specific amount of the administrative*
37 *charge that shall be paid to the court. Each administrative*
38 *charge collected shall be distributed to the court that incurred*
39 *the charge as described in Section 68085.1 of the Government*
40 *Code.*

1 SEC. 39. Section 411.21 is added to the Code of Civil
2 Procedure, to read:

3 411.21. (a) If a complaint or other first paper is
4 accompanied by payment by check in an amount less than the
5 required fee, the clerk shall accept the paper for filing, but shall
6 not issue a summons until the court receives full payment of the
7 required fee. The clerk shall, by mail, notify the party tendering
8 the check that (1) the check was made out for an amount less
9 than the required filing fee, (2) the administrative charge
10 specified in subdivision (g) has been imposed to reimburse the
11 court for the costs of processing the partial payment and
12 providing the notice specified in this subdivision, and (3) the
13 party has 20 days from the date of mailing of the notice within
14 which to pay the remainder of the required fee and the
15 administrative charge, except as provided in subdivision (f). The
16 notice also shall state that payment of the administrative charge
17 and the remainder of the required filing fee shall be in cash, by
18 cashier's check, or by other means specified by the court but not
19 by traveler's check or personal check. If the person who tendered
20 the check is not a party to the action or proposed action, but only
21 is acting on behalf of a party, the clerk shall notify not only the
22 person who tendered the check, and also the party or that party's
23 attorney, if the party is represented. The clerk's certificate as to
24 the mailing of notice pursuant to this section establishes a
25 rebuttable presumption that the fees were not paid. This
26 presumption is a presumption affecting the burden of producing
27 evidence. This subdivision does not apply to an unlawful detainer
28 action.

29 (b) The clerk shall void the filing if the party who tendered a
30 check in an amount less than the required filing fee or on whose
31 behalf a check in an amount less than the required filing fee was
32 tendered has not paid the full amount of the fee and the
33 administrative charge by a means specified in subdivision (a)
34 within 20 days of the date on which the notice required by
35 subdivision (a) was mailed. Any filing voided by this section may
36 be disposed of immediately after the 20 days have elapsed
37 without preserving a copy in the court records notwithstanding
38 Section 68152 of the Government Code.

39 (c) If a check for less than the required fee was tendered, the
40 remainder of the required fee and the administrative charge were

1 not paid within the period specified in subdivision (a), and a
2 refund of the partial payment has not been requested in a writing
3 mailed or presented by the party or person who tendered the
4 check within 20 days from the date on which the remainder of the
5 required fee was due, the partial payment shall be remitted to the
6 State Treasurer to be deposited in the Trial Court Trust Fund,
7 except for the amount of the administrative charge described in
8 subdivision (g), that shall be deducted from the partial payment
9 and shall be distributed as described in subdivision (g) to the
10 court which incurred the charge. If the party or person who
11 tendered the check for partial payment requests a refund of the
12 partial payment, in writing, within the time specified in this
13 subdivision, the clerk shall refund the amount of the partial
14 payment less the amount of the administrative charge imposed by
15 that court. All partial payments that the court received before
16 January 1, 2006, and that remain on deposit for filings that the
17 clerk voided pursuant to this section, once three years have
18 passed from the date that the filing was voided, shall be remitted
19 to the State Treasurer for deposit into the Trial Court Trust
20 Fund.

21 (d) If an adverse party files a response to a complaint or other
22 first paper referred to in subdivision (a), together with a filing
23 fee, and the original filing is voided pursuant to subdivision (b),
24 the responsive filing is not required and shall be voided. The
25 court shall, by mail, provide notice to the parties that the initial
26 paper and the response have been voided. The responding
27 party's filing fee shall be refunded upon request, provided that
28 the request for a refund is made in writing within 20 days from
29 the date on which the notice was mailed. Upon receipt of the
30 request, the court shall reimburse the responding party's filing
31 fee without imposing any administrative charge. A refund under
32 this subdivision is available if the adverse party has filed only a
33 responsive pleading, but not if the party has also filed a
34 cross-complaint or other first paper seeking affirmative relief for
35 which there is a filing fee.

36 (e) If an adverse party, or a person acting on behalf of the
37 adverse party, tenders a check for a required filing fee in an
38 amount less than the required fee, the procedures in subdivisions
39 (a), (b), and (c) shall apply.

1 (f) If any trial or other hearing is scheduled to be heard prior
2 to the expiration of the 20-day period provided for in subdivision
3 (a), the fee shall be paid prior to the trial or hearing. Failure of
4 the party to pay the fee prior to the trial or hearing date shall
5 cause the court to void the filing and proceed as if it had not
6 been filed.

7 (g) The clerk shall impose an administrative charge for
8 providing notice that a check submitted for a filing fee is in an
9 amount less than the required fee and for all related
10 administrative, clerical, and other costs incurred under this
11 section. The administrative charge shall, in each instance, be
12 either twenty-five dollars (\$25) or a reasonable amount that does
13 not exceed the actual cost incurred by the court, as determined
14 by the court. The notices provided by the court under subdivision
15 (a) shall state the specific amount of the administrative charge
16 that shall be paid to the court. Each administrative charge
17 collected shall be distributed to the court that incurred the
18 charge as described in Section 68085.1 of the Government Code.
19 When a partial payment is to be remitted to the State Treasurer
20 under subdivision (c), the court shall notify the Administrative
21 Office of the Courts of the amount of (1) the partial payment
22 collected, and (2) the administrative charge to be deducted from
23 the payment and to be distributed to the court.

24 ~~SEC. 9.~~—

25 SEC. 40. Section 415.21 of the Code of Civil Procedure is
26 amended to read:

27 415.21. (a) Notwithstanding any other provision of law, any
28 person shall be granted access to a gated community for a
29 reasonable period of time for the purpose of performing lawful
30 service of process or service of a subpoena, upon identifying to
31 the guard the person or persons to be served, and upon displaying
32 a current driver's license or other identification, and one of the
33 following:

34 (1) A badge or other confirmation that the individual is acting
35 in his or her capacity as a representative of a county sheriff or
36 marshal.

37 (2) Evidence of current registration as a process server
38 pursuant to Chapter 16 (commencing with Section 22350) of
39 Division 8 of the Business and Professions Code.

(b) This section shall only apply to a gated community that is staffed at the time service of process is attempted by a guard or other security personnel assigned to control access to the community.

SEC. 41. Section 425.10 of the Code of Civil Procedure is amended to read:

425.10. (a) A complaint or cross-complaint shall contain both of the following:

(1) A statement of the facts constituting the cause of action, in ordinary and concise language.

(2) A demand for judgment for the relief to which the pleader claims to be entitled. If the recovery of money or damages is demanded, the amount demanded shall be stated.

(b) Notwithstanding subdivision (a), where an action is brought to recover actual or punitive damages for personal injury or wrongful death, the amount demanded shall not be stated, but the complaint shall comply with Section 422.30 and, in a limited civil case, with *subdivision (b) of Section 72055 70613* of the Government Code.

~~SEC. 40.—~~

SEC. 42. Section 425.115 of the Code of Civil Procedure is amended to read:

425.115. (a) As used in this section:

(1) “Complaint” includes a cross-complaint.

(2) “Plaintiff” includes a cross-complainant.

(3) “Defendant” includes a cross-defendant.

(b) The plaintiff preserves the right to seek punitive damages pursuant to Section 3294 of the Civil Code on a default judgment by serving upon the defendant the following statement, or its substantial equivalent:

NOTICE TO _____ :
(Insert name of defendant or corss-defendent)

_____ reserves the right to seek
(Insert name of plaintiff or
cross-complainant)

\$ _____ in punitive damages
(Insert dollar amount)

when _____ seeks a judgment in the

1 (Insert name of plaintiff or
2 cross-complainant)
3 suit filed against you.

4 _____
5 (Insert name of attorney or (Date)
6 party appearing in propria persona)
7

8 (c) If the plaintiff seeks punitive damages pursuant to Section
9 3294 of the Civil Code, and if the defendant appears in the
10 action, the plaintiff shall not be limited to the amount set forth in
11 the statement served on the defendant pursuant to this section.

12 (d) A plaintiff who serves a statement on the defendant
13 pursuant to this section shall be deemed to have complied with
14 Sections 425.10 and 580 of this code and Section 3295 of the
15 Civil Code.

16 (e) The plaintiff may serve a statement upon the defendant
17 pursuant to this section, and may serve the statement as part of
18 the statement required by Section 425.11.

19 (f) The plaintiff shall serve the statement upon the defendant
20 pursuant to this section before a default may be taken, if the
21 motion for default judgment includes a request for punitive
22 damages.

23 (g) The statement referred to in subdivision (b) shall be served
24 by one of the following methods:

25 (1) If the party has not appeared in the action, the statement
26 shall be served in the same manner as a summons pursuant to
27 Article 3 (commencing with Section 415.10) of Chapter 4 of
28 Title 5 of Part 2 of the Code of Civil Procedure.

29 (2) If the party has appeared in the action, the statement shall
30 be served upon his or her attorney, or upon the party if he or she
31 has appeared without an attorney, either in the same manner as a
32 summons pursuant to Article 3 (commencing with Section
33 415.10) of Chapter 4 or in the manner provided by Chapter 5
34 (commencing with Section 1010) of Title 14.

35 *SEC. 43. Section 491.150 of the Code of Civil Procedure is*
36 *amended to read:*

37 491.150. (a) Except as otherwise provided in this section, the
38 proper court for examination of a person under this article is the
39 court that issued the writ of attachment.

1 (b) A person sought to be examined may not be required to
2 attend an examination before a court located outside the county
3 in which the person resides or has a place of business unless the
4 distance from the person's place of residence or place of business
5 to the place of examination is less than 150 miles.

6 (c) If a person sought to be examined does not reside or have a
7 place of business in the county where the court that issued the
8 writ is located, ~~a the superior court of similar jurisdiction~~ in the
9 county where the person resides or has a place of business is a
10 proper court for examination of the person. ~~If there is no court of~~
11 ~~similar jurisdiction in the county, a court of higher jurisdiction is~~
12 ~~a proper court.~~

13 (d) If the plaintiff seeks an examination of a person before a
14 court other than the court that issued the writ, the plaintiff shall
15 ~~do file an application that shall include~~ all of the following:

16 (1) ~~File with the court from which the order is sought a~~ A
17 certified copy of the complaint in the pending action.

18 (2) ~~Present to the court an~~ An affidavit in support of the
19 application ~~for the order~~ stating the place of residence or place of
20 business of the person sought to be examined.

21 (3) ~~Make any~~ Any necessary affidavit or showing for the
22 examination as required by Section 491.110.

23 (4) ~~At the time of filing the application for the order, pay~~ The
24 filing fee of twelve dollars (\$12). ~~No law library fee shall be~~
25 ~~charged for a motion as provided in subdivision (a) of Section~~
26 ~~70617 of the Government Code.~~

27 SEC. 44. Section 573 of the Code of Civil Procedure is
28 repealed.

29 573. ~~Whenever money is paid into or deposited in the court,~~
30 ~~the same must be delivered to the clerk, or, if there be no clerk, to~~
31 ~~the judge, in person, or to such of the clerk's deputies as shall be~~
32 ~~specially authorized by his appointment in writing to receive the~~
33 ~~same. Such appointment must be filed with the county treasurer,~~
34 ~~who must exhibit it, and give to each person applying for the~~
35 ~~same a certified copy of the same. It shall be in force until a~~
36 ~~revocation in writing is filed with the county treasurer, who must~~
37 ~~thereupon write "revoked," in ink, across the face of the~~
38 ~~appointment. The judge, clerk, or such deputy clerk, must, unless~~
39 ~~otherwise directed by law, deposit such money with the county~~
40 ~~treasurer, to be held by him subject to the order of the court. The~~

1 ~~treasurer must keep each fund distinct, and open an account for~~
2 ~~each. For the safekeeping of the money deposited with him the~~
3 ~~treasurer is liable on his official bond.~~

4 *SEC. 45. Section 573 is added to the Code of Civil*
5 *Procedure, to read:*

6 *573. Whenever money is paid into or deposited in the court*
7 *under this chapter, it shall be deposited with the court's treasury*
8 *as provided in Section 68084 of the Government Code.*

9 *SEC. 46. Section 683.150 of the Code of Civil Procedure is*
10 *amended to read:*

11 *683.150. (a) Upon the filing of the application, the court*
12 *clerk shall enter the renewal of the judgment in the court records.*

13 *(b) The fee for filing an application for renewal of judgment is*
14 *as provided in subdivision (b) of Section 70626 of the*
15 *Government Code.*

16 *(c) In the case of a money judgment, the entry of renewal*
17 *shall show the amount of the judgment as renewed. Except as*
18 *provided in subdivisions ~~(c)~~ (d) and ~~(d)~~ (e), this amount is the*
19 *amount required to satisfy the judgment on the date of the filing*
20 *of the application for renewal and includes the fee for the filing*
21 *of the application for renewal.*

22 ~~(e)~~

23 *(d) In the case of a money judgment payable in installments*
24 *not previously renewed, the amount of the judgment as renewed*
25 *is the total of the past due installments, the costs added to the*
26 *judgment pursuant to Section 685.090, and the accrued interest,*
27 *which remains unsatisfied and is enforceable on the date of the*
28 *filing of the application for renewal and includes the fee for the*
29 *filing of the application for renewal.*

30 ~~(d)~~

31 *(e) In the case of a money judgment payable in installments*
32 *previously renewed, the amount of the judgment as renewed*
33 *under the latest renewal is the total of the following which*
34 *remains unsatisfied and is enforceable on the date of the filing of*
35 *the application for the latest renewal:*

36 *(1) The amount of the judgment as renewed under the previous*
37 *renewal.*

38 *(2) The past due installments that became due and payable*
39 *after the previous renewal.*

1 (3) The costs that have been added to the judgment pursuant to
2 Section 685.090 after the previous renewal.

3 (4) The interest that has accrued on the amounts described in
4 paragraphs (1), (2), and (3) since the last renewal.

5 (5) The fee for filing the application for renewal.

6 ~~(e)~~

7 *(f)* In the case of a judgment for possession or sale of property,
8 the entry of renewal shall describe the performance remaining
9 due.

10 *SEC. 47. Section 704.750 of the Code of Civil Procedure is*
11 *amended to read:*

12 704.750. (a) Promptly after a dwelling is levied upon (other
13 than a dwelling described in subdivision (b) of Section 704.740),
14 the levying officer shall serve notice on the judgment creditor
15 that the levy has been made and that the property will be released
16 unless the judgment creditor complies with the requirements of
17 this section. Service shall be made personally or by mail. Within
18 20 days after service of the notice, the judgment creditor shall
19 apply to the court for an order for sale of the dwelling and shall
20 file a copy of the application with the levying officer. If the
21 judgment creditor does not file the copy of the application for an
22 order for sale of the dwelling within the allowed time, the
23 levying officer shall release the dwelling.

24 (b) If the dwelling is located in a county other than the county
25 where the judgment was entered:

26 (1) The judgment creditor shall apply to ~~a~~ *the superior* court of
27 ~~similar jurisdiction in the county where the dwelling is located~~
28 ~~or, if there is no court of similar jurisdiction, to a court of higher~~
29 ~~jurisdiction in that county.~~

30 (2) The judgment creditor shall file with the application an
31 abstract of judgment in the form prescribed by Section 674 or, in
32 the case of a judgment described in Section 697.320, a certified
33 copy of the judgment.

34 (3) The judgment creditor shall pay ~~a~~ *the* filing fee ~~of twelve~~
35 ~~dollars (\$12). No law library fee shall be charged for a motion as~~
36 ~~provided in subdivision (a) of Section 70617 of the Government~~
37 ~~Code.~~

38 *SEC. 48. Section 708.160 of the Code of Civil Procedure is*
39 *amended to read:*

1 708.160. (a) Except as otherwise provided in this section, the
2 proper court for examination of a person under this article is the
3 court in which the money judgment is entered.

4 (b) A person sought to be examined may not be required to
5 attend an examination before a court located outside the county
6 in which the person resides or has a place of business unless the
7 distance from the person's place of residence or place of business
8 to the place of examination is less than 150 miles.

9 (c) If a person sought to be examined does not reside or have a
10 place of business in the county where the judgment is entered, ~~a~~
11 ~~the superior court of similar jurisdiction in the county where the~~
12 ~~person resides or has a place of business is a proper court for~~
13 ~~examination of the person. If there is no court of similar~~
14 ~~jurisdiction in the county, a court of higher jurisdiction is a~~
15 ~~proper court.~~

16 (d) If the judgment creditor seeks an examination of a person
17 before a court other than the court in which the judgment is
18 entered, the judgment creditor shall ~~do~~ *file an application that*
19 *shall include all of the following:*

20 (1) ~~File with the court from which the order is sought an~~ *An*
21 *abstract of judgment in the form prescribed by Section 674.*

22 (2) ~~Present to the court an~~ *An* affidavit in support of the
23 application ~~for the order~~ stating the place of residence or place of
24 business of the person sought to be examined.

25 (3) ~~Make any~~ *Any* necessary affidavit or showing for the
26 examination as required by Section 708.110 or 708.120.

27 (4) ~~At the time of filing the abstract of judgment, pay a~~ *The*
28 ~~filing fee of twelve dollars (\$12). No law library fee shall be~~
29 ~~charged for a motion as provided in subdivision (a) of Section~~
30 ~~70617 of the Government Code.~~

31 *SEC. 49. Section 724.100 of the Code of Civil Procedure is*
32 *amended to read:*

33 724.100. (a) If satisfaction of a judgment has been entered
34 in the register of actions, the court clerk shall issue a certificate
35 of satisfaction of judgment upon application therefor and
36 payment of ~~a the fee of three dollars (\$3) as provided in~~
37 ~~subdivision (a) of Section 70626 of the Government Code.~~

38 (b) The certificate of satisfaction of judgment shall contain the
39 following information:

40 (1) The title of the court.

1 (2) The cause and number of the action.

2 (3) The names of the judgment creditor and the judgment
3 debtor.

4 (4) The date of entry of judgment and of any renewals of the
5 judgment and where entered in the records of the court.

6 (5) The date of entry of satisfaction of judgment and where it
7 was entered in the register of actions.

8 ~~SEC. 11.—~~

9 *SEC. 50.* Section 998 of the Code of Civil Procedure is
10 amended to read:

11 998. (a) The costs allowed under Sections 1031 and 1032
12 shall be withheld or augmented as provided in this section.

13 (b) Not less than 10 days prior to commencement of trial or
14 arbitration (as provided in Section 1281 or 1295) of a dispute to
15 be resolved by arbitration, any party may serve an offer in
16 writing upon any other party to the action to allow judgment to
17 be taken or an award to be entered in accordance with the terms
18 and conditions stated at that time. The written offer shall include,
19 after the statement of the offer containing the terms and
20 conditions of the judgment or award, a provision that allows the
21 accepting party to indicate acceptance of the offer by signing a
22 statement that the offer is accepted. Any acceptance of the offer,
23 whether made on the document containing the offer or on a
24 separate document of acceptance, shall be in writing and shall be
25 signed *by counsel for the accepting party or, if not represented*
26 *by counsel*, by the accepting party.

27 (1) If the offer is accepted, the offer with proof of acceptance
28 shall be filed and the clerk or the judge shall enter judgment
29 accordingly. In the case of an arbitration, the offer with proof of
30 acceptance shall be filed with the arbitrator or arbitrators who
31 shall promptly render an award accordingly.

32 (2) If the offer is not accepted prior to trial or arbitration or
33 within 30 days after it is made, whichever occurs first, it shall be
34 deemed withdrawn, and cannot be given in evidence upon the
35 trial or arbitration.

36 (3) For purposes of this subdivision, a trial or arbitration shall
37 be deemed to be actually commenced at the beginning of the
38 opening statement of the plaintiff or counsel, and if there is no
39 opening statement, then at the time of the administering of the

1 oath or affirmation to the first witness, or the introduction of any
2 evidence.

3 (c) (1) If an offer made by a defendant is not accepted and the
4 plaintiff fails to obtain a more favorable judgment or award, the
5 plaintiff shall not recover his or her postoffer costs and shall pay
6 the defendant's costs from the time of the offer. In addition, in
7 any action or proceeding other than an eminent domain action,
8 the court or arbitrator, in its discretion, may require the plaintiff
9 to pay a reasonable sum to cover costs of the services of expert
10 witnesses, who are not regular employees of any party, actually
11 incurred and reasonably necessary in either, or both, preparation
12 for trial or arbitration, or during trial or arbitration, of the case by
13 the defendant.

14 (2) (A) In determining whether the plaintiff obtains a more
15 favorable judgment, the court or arbitrator shall exclude the
16 postoffer costs.

17 (B) It is the intent of the Legislature in enacting subparagraph
18 (A) to supersede the holding in *Encinitas Plaza Real v. Knight*,
19 209 Cal. App.3d 996, that attorney's fees awarded to the
20 prevailing party were not costs for purposes of this section but
21 were part of the judgment.

22 (d) ~~(1)~~ If an offer made by a plaintiff is not accepted and the
23 defendant fails to obtain a more favorable judgment or award in
24 any action or proceeding other than an eminent domain action,
25 the court or arbitrator, in its discretion, may require the defendant
26 to pay a reasonable sum to cover post-offer costs of the services
27 of expert witnesses, who are not regular employees of any party,
28 actually incurred and reasonably necessary in either, or both,
29 preparation for trial or arbitration, or during trial or arbitration, of
30 the case by the plaintiff, in addition to plaintiff's costs.

31 ~~(2) (A) In determining whether the plaintiff obtains a more~~
32 ~~favorable judgement, the court or arbitrator shall exclude the~~
33 ~~post-offer costs.~~

34 ~~(B) It is the intent of the Legislature in enacting subparagraph~~
35 ~~(A) to supersede the holding in Encinitas Plaza Real v. Knight~~
36 ~~(1989) 209 Cal.App.3d 996 that attorney's fees awarded to the~~
37 ~~prevailing party are not costs for purposes of this section, but are~~
38 ~~part of the judgement.~~

39 (e) If an offer made by a defendant is not accepted and the
40 plaintiff fails to obtain a more favorable judgment or award, the

1 costs under this section, from the time of the offer, shall be
2 deducted from any damages awarded in favor of the plaintiff. If
3 the costs awarded under this section exceed the amount of the
4 damages awarded to the plaintiff the net amount shall be awarded
5 to the defendant and judgment or award shall be entered
6 accordingly.

7 (f) Police officers shall be deemed to be expert witnesses for
8 the purposes of this section. For purposes of this section,
9 “plaintiff” includes a cross-complainant and “defendant”
10 includes a cross-defendant. Any judgment or award entered
11 pursuant to this section shall be deemed to be a compromise
12 settlement.

13 (g) This chapter does not apply to either of the following:

14 (1) An offer that is made by a plaintiff in an eminent domain
15 action.

16 (2) Any enforcement action brought in the name of the people
17 of the State of California by the Attorney General, a district
18 attorney, or a city attorney, acting as a public prosecutor.

19 (h) The costs for services of expert witnesses for trial under
20 subdivisions (c) and (d) shall not exceed those specified in
21 Section 68092.5 of the Government Code.

22 (i) This section shall not apply to labor arbitrations filed
23 pursuant to memoranda of understanding under the Ralph C.
24 Dills Act (Chapter 10.3 (commencing with Section 3512) of
25 Division 4 of Title 1 of the Government Code).

26 *SEC. 51. Section 1134 of the Code of Civil Procedure is*
27 *amended to read:*

28 1134. (a) The statement required by Section 1133 shall be
29 filed with the clerk of the court in which the judgment is to be
30 entered, who must endorse upon it, and enter a judgment of the
31 court for the amount confessed with the costs provided in
32 subdivision (b).

33 (b) At the time of filing, the plaintiff shall pay as court costs
34 that shall become a part of the judgment ~~a the fee of fifteen~~
35 ~~dollars (\$15) as provided in subdivision (b) of Section 70626 of~~
36 ~~the Government Code. No fee shall be collected from the~~
37 ~~defendant. No fee shall be paid by the clerk of the court in which~~
38 ~~a confession of judgment is filed for the law library fund nor for~~
39 ~~services of any court reporter.~~

(c) The statement and affidavit, with the judgment endorsed thereon, together with the certificate filed pursuant to Section 1132, becomes the judgment roll.

SEC. 52. Section 1161.2 of the Code of Civil Procedure is amended to read:

1161.2. (a) The clerk may allow access to limited civil case records filed under this chapter, including the court file, index, and register of actions, only as follows:

(1) To a party to the action, including a party's attorney.

(2) To any person who provides the clerk with the names of at least one plaintiff and one defendant and the address of the premises, including the apartment or unit number, if any.

(3) To a resident of the premises who provides the clerk with the name of one of the parties or the case number and shows proof of residency.

(4) To any person by order of the court, which may be granted ex parte, on a showing of good cause.

(5) To any other person 60 days after the complaint has been filed, unless a defendant prevails in the action within 60 days of the filing of the complaint, in which case the clerk may not allow access to any court records in the action, except as provided in paragraphs (1) to (4), inclusive.

(b) For purposes of this section, "good cause" includes, but is not limited to, the gathering of newsworthy facts by a person described in Section 1070 of the Evidence Code. It is the intent of the Legislature that a simple procedure be established to request the ex parte order described in subdivision (a).

(c) Upon the filing of any case so restricted, the court clerk shall mail notice to each defendant named in the action. The notice shall be mailed to the address provided in the complaint. The notice shall contain a statement that an unlawful detainer complaint (eviction action) has been filed naming that party as a defendant, and that access to the court file will be delayed for 60 days except to a party, an attorney for one of the parties, or any other person who (1) provides to the clerk the names of at least one plaintiff and one defendant in the action and provides to the clerk the address, including any applicable apartment, unit, or space number, of the subject premises, or (2) provides to the clerk the name of one of the parties in the action or the case number and can establish through proper identification that he or

1 she lives at the subject premises. The notice shall also contain a
2 statement that access to the court index, register of actions, or
3 other records is not permitted until 60 days after the complaint is
4 filed, except pursuant to an order upon a showing of good cause
5 therefor. The notice shall contain on its face the name and
6 telephone number of the county bar association and the name and
7 telephone number of an office funded by the federal Legal
8 Services Corporation that provides legal services to low-income
9 persons in the county in which the action is filed. The notice shall
10 state that these numbers may be called for legal advice regarding
11 the case. The notice shall be issued between 24 and 48 hours of
12 the filing of the complaint, excluding weekends and holidays.
13 One copy of the notice shall be addressed to “all occupants” and
14 mailed separately to the subject premises. The notice shall not
15 constitute service of the summons and complaint.

16 (d) Notwithstanding any other provision of law, the court shall
17 charge an additional fee of ~~four~~ *fifteen* dollars ~~(\$4)~~ *(\$15)* for
18 filing a first appearance by the plaintiff. This fee shall be
19 ~~included as part of the total added to the uniform~~ filing fee for
20 actions filed under this chapter.

21 (e) This section does not apply to a case that seeks to terminate
22 a mobilehome park tenancy if the statement of the character of
23 the proceeding in the caption of the complaint clearly indicates
24 that the complaint seeks termination of a mobilehome park
25 tenancy.

26 *SEC. 53. Section 1174.25 of the Code of Civil Procedure is*
27 *amended to read:*

28 1174.25. (a) Any occupant who is served with a prejudgment
29 claim of right to possession in accordance with Section 415.46
30 may file a claim as prescribed in Section 415.46, with the court
31 within 10 days of the date of service of the prejudgment claim to
32 right of possession as shown on the return of service, which
33 period shall include Saturday and Sunday but excluding all other
34 judicial holidays. If the last day for filing the claim falls on a
35 Saturday or Sunday, the filing period shall be extended to and
36 including the next court day. Filing the prejudgment claim of
37 right to possession shall constitute a general appearance for
38 which a fee shall be collected as provided in Section ~~72056~~
39 *70614* of the Government Code. Section 68511.3 of the

1 Government Code applies to the prejudgment claim of right to
2 possession.

3 (b) At the time of filing, the claimant shall be added as a
4 defendant in the action for unlawful detainer and the clerk shall
5 notify the plaintiff that the claimant has been added as a
6 defendant in the action by mailing a copy of the claim filed with
7 the court to the plaintiff with a notation so indicating. The
8 claimant shall answer or otherwise respond to the summons and
9 complaint within five days, including Saturdays and Sundays but
10 excluding all other judicial holidays, after filing the prejudgment
11 claim of possession. Thereafter, the name of the claimant shall be
12 added to any pleading, filing or form filed in the action for
13 unlawful detainer.

14 *SEC. 54. Section 1174.3 of the Code of Civil Procedure is*
15 *amended to read:*

16 1174.3. (a) Unless a prejudgment claim of right to possession
17 has been served upon occupants in accordance with Section
18 415.46, any occupant not named in the judgment for possession
19 who occupied the premises on the date of the filing of the action
20 may object to enforcement of the judgment against that occupant
21 by filing a claim of right to possession as prescribed in this
22 section. A claim of right to possession may be filed at any time
23 after service or posting of the writ of possession pursuant to
24 subdivision (a) or (b) of Section 715.020, up to and including the
25 time at which the levying officer returns to effect the eviction of
26 those named in the judgment of possession. Filing the claim of
27 right to possession shall constitute a general appearance for
28 which a fee shall be collected as provided in Section ~~72056~~
29 ~~70614~~ of the Government Code. Section 68511.3 of the
30 Government Code applies to the claim of right to possession. An
31 occupant or tenant who is named in the action shall not be
32 required to file a claim of right to possession to protect that
33 occupant's right to possession of the premises.

34 (b) The court issuing the writ of possession of real property
35 shall set a date or dates when the court will hold a hearing to
36 determine the validity of objections to enforcement of the
37 judgment specified in subdivision (a). An occupant of the real
38 property for which the writ is issued may make an objection to
39 eviction to the levying officer at the office of the levying officer
40 or at the premises at the time of the eviction.

If a claim of right to possession is completed and presented to the sheriff, marshal, or other levying officer, the officer shall forthwith (1) stop the eviction of occupants at the premises, and (2) provide a receipt or copy of the completed claim of right of possession to the claimant indicating the date and time the completed form was received, and (3) deliver the original completed claim of right to possession to the court issuing the writ of possession of real property.

(c) A claim of right to possession is effected by any of the following:

(1) Presenting a completed claim form in person with identification to the sheriff, marshal, or other levying officer as prescribed in this section, and delivering to the court within two court days after its presentation, an amount equal to 15 days' rent together with the appropriate fee or form for proceeding in forma pauperis. Upon receipt of a claim of right to possession, the sheriff, marshal, or other levying officer shall indicate thereon the date and time of its receipt and forthwith deliver the original to the issuing court and a receipt or copy of the claim to the claimant and notify the plaintiff of that fact. Immediately upon receipt of an amount equal to 15 days' rent and the appropriate fee or form for proceeding in forma pauperis, the court shall file the claim of right to possession and serve an endorsed copy with the notice of the hearing date on the plaintiff and the claimant by first-class mail. The court issuing the writ of possession shall set and hold a hearing on the claim not less than five nor more than 15 days after the claim is filed with the court.

(2) Presenting a completed claim form in person with identification to the sheriff, marshal, or other levying officer as prescribed in this section, and delivering to the court within two court days after its presentation, the appropriate fee or form for proceeding in forma pauperis without delivering the amount equivalent to 15 days' rent. In this case, the court shall immediately set a hearing on the claim to be held on the fifth day after the filing is completed. The court shall notify the claimant of the hearing date at the time the claimant completes the filing by delivering to the court the appropriate fee or form for proceeding in forma pauperis, and shall notify the plaintiff of the hearing date by first-class mail. Upon receipt of a claim of right to possession, the sheriff, marshal, or other levying officer shall

1 indicate thereon the date and time of its receipt and forthwith
2 deliver the original to the issuing court and a receipt or copy of
3 the claim to the claimant and notify the plaintiff of that fact.

4 (d) At the hearing, the court shall determine whether there is a
5 valid claim of possession by the claimant who filed the claim,
6 and the court shall consider all evidence produced at the hearing,
7 including, but not limited to, the information set forth in the
8 claim. The court may determine the claim to be valid or invalid
9 based upon the evidence presented at the hearing. The court shall
10 determine the claim to be invalid if the court determines that the
11 claimant is an invitee, licensee, guest, or trespasser. If the court
12 determines the claim is invalid, the court shall order the return to
13 the claimant of the amount of the 15 days' rent paid by the
14 claimant, if that amount was paid pursuant to ~~paragraphs~~
15 *paragraph* (1) or (3) of subdivision (c), less a pro rata amount for
16 each day that enforcement of the judgment was delayed by
17 reason of making the claim of right to possession, which pro rata
18 amount shall be paid to the landlord. If the court determines the
19 claim is valid, the amount equal to 15 days' rent paid by the
20 claimant shall be returned immediately to the claimant.

21 (e) If, upon hearing, the court determines that the claim is
22 valid, then the court shall order further proceedings as follows:

23 (1) If the unlawful detainer is based upon a curable breach,
24 and the claimant was not previously served with a proper notice,
25 if any notice is required, then the required notice may at the
26 plaintiff's discretion be served on the claimant at the hearing or
27 thereafter. If the claimant does not cure the breach within the
28 required time, then a supplemental complaint may be filed and
29 served on the claimant as defendant if the plaintiff proceeds
30 against the claimant in the same action. For the purposes of this
31 section only, service of the required notice, if any notice is
32 required, and of the supplemental complaint may be made by
33 first-class mail addressed to the claimant at the subject premises
34 or upon his or her attorney of record and, in either case, Section
35 1013 shall otherwise apply. Further proceedings on the merits of
36 the claimant's continued right to possession after service of the
37 Summons and Supplemental Complaint as prescribed by this
38 subdivision shall be conducted pursuant to this chapter.

39 (2) In all other cases, the court shall deem the unlawful
40 detainer Summons and Complaint to be amended on their faces

1 to include the claimant as defendant, service of the Summons and
2 Complaint, as thus amended, may at the plaintiff's discretion be
3 made at the hearing or thereafter, and the claimant thus named
4 and served as a defendant in the action shall answer or otherwise
5 respond within five days thereafter.

6 (f) If a claim is made without delivery to the court of the
7 appropriate filing fee or a form for proceeding in forma pauperis,
8 as prescribed in this section, the claim shall be immediately
9 deemed denied and the court shall so order. Upon the denial of
10 the claim, the court shall immediately deliver an endorsed copy
11 of the order to the levying officer and shall serve an endorsed
12 copy of the order on the plaintiff and claimant by first-class mail.

13 (g) If the claim of right to possession is denied pursuant to
14 subdivision (f), or if the claimant fails to appear at the hearing or,
15 upon hearing, if the court determines that there are no valid
16 claims, or if the claimant does not prevail at a trial on the merits
17 of the unlawful detainer action, the court shall order the levying
18 officer to proceed with enforcement of the original writ of
19 possession of real property as deemed amended to include the
20 claimant, which shall be effected within a reasonable time not to
21 exceed five days. Upon receipt of the court's order, the levying
22 officer shall enforce the writ of possession of real property
23 against any occupant or occupants.

24 (h) The claim of right to possession shall be made on the
25 following form:

- 1 NOTE TO PRINTING OFFICE: INSERT CAMERA-READY
- 2 COPY HERE

1

1

1 SEC. 55. Section 1218 of the Code of Civil Procedure is
2 amended to read:

3 1218. (a) Upon the answer and evidence taken, the court or
4 judge shall determine whether the person proceeded against is
5 guilty of the contempt charged, and if it be adjudged that he or
6 she is guilty of the contempt, a fine may be imposed on him or
7 her not exceeding one thousand dollars (\$1,000), *payable to the*
8 *court*, or he or she may be imprisoned not exceeding five days, or
9 both. In addition, a person who is subject to a court order as a
10 party to the action, or any agent of this person, who is adjudged
11 guilty of contempt for violating that court order may be ordered
12 to pay to the party initiating the contempt proceeding the
13 reasonable attorney's fees and costs incurred by this party in
14 connection with the contempt proceeding.

15 (b) No party, who is in contempt of a court order or judgment
16 in a dissolution of marriage, *dissolution of domestic partnership*,
17 or legal separation action, shall be permitted to enforce such an
18 order or judgment, by way of execution or otherwise, either in
19 the same action or by way of a separate action, against the other
20 party. This restriction shall not affect nor apply to the
21 enforcement of child or spousal support orders.

22 (c) In any court action in which a party is found in contempt of
23 court for failure to comply with a court order pursuant to the
24 Family Code, the court shall order the following:

25 (1) Upon a first finding of contempt, the court shall order the
26 contemner to perform community service of up to 120 hours, or
27 to be imprisoned up to 120 hours, for each count of contempt.

28 (2) Upon the second finding of contempt, the court shall order
29 the contemner to perform community service of up to 120 hours,
30 in addition to ordering imprisonment of the contemner up to 120
31 hours, for each count of contempt.

32 (3) Upon the third or any subsequent finding of contempt, the
33 court shall order both of the following:

34 (A) The court shall order the contemner to serve a term of
35 imprisonment of up to 240 hours, and to perform community
36 service of up to 240 hours, for each count of contempt.

37 (B) The court shall order the contemner to pay an
38 administrative fee, not to exceed the actual cost of the
39 contemner's administration and supervision, while assigned to a
40 community service program pursuant to this paragraph.

(4) The court shall take parties' employment schedules into consideration when ordering either community service or imprisonment, or both.

SEC. 56. Section 1852 of the Family Code is amended to read:

1852. (a) There is in the State Treasury the Family Law Trust Fund.

(b) Moneys collected by the state pursuant to subdivision (c) of Section ~~10605~~ 103625 of the Health and Safety Code, ~~subdivision (a) of Section 26832~~ 70674 of the Government Code, and grants, gifts, or devises made to the state from private sources to be used for the purposes of this part shall be deposited into the Family Law Trust Fund.

(c) Moneys deposited in the Family Law Trust Fund shall be placed in an interest bearing account. Any interest earned shall accrue to the fund and shall be disbursed pursuant to subdivision (d).

(d) Money deposited in the Family Law Trust Fund shall be disbursed for purposes specified in this part and for other family law related activities.

(e) Moneys deposited in the Family Law Trust Fund shall be administered by the Judicial Council. The Judicial Council may, with appropriate guidelines, delegate the administration of the fund to the Administrative Office of the Courts.

(f) Any moneys in the Family Law Trust Fund that are unencumbered at the end of the fiscal year are automatically appropriated to the Family Law Trust Fund of the following year.

(g) In order to defray the costs of collection of these funds, pursuant to this section, the local registrar, county clerk, or county recorder may retain a percentage of the funds collected, not to exceed 10 percent of the fee payable to the state pursuant to subdivision (c) of Section ~~10605~~ 103625 of the Health and Safety Code.

SEC. 57. Section 31622 of the Food and Agricultural Code is amended to read:

31622. (a) After the hearing conducted pursuant to Section 31621, the owner or keeper of the dog shall be notified in writing of the determination and orders issued, either personally or by first-class mail postage prepaid by the court or hearing entity. If a determination is made that the dog is potentially dangerous or

1 vicious, the owner or keeper shall comply with Article 3
2 (commencing with Section 31641) in accordance with a time
3 schedule established by the chief officer of the public pound or
4 animal control department or the head of the local law
5 enforcement agency, but in no case more than 30 days after the
6 date of the determination or 35 days if notice of the
7 determination is mailed to the owner or keeper of the dog. If the
8 petitioner or the owner or keeper of the dog contests the
9 determination, he or she may, within five days of the receipt of
10 the notice of determination, appeal the decision of the court or
11 hearing entity of original jurisdiction. The fee for filing an appeal
12 ~~shall be twenty dollars (\$20), payable to the clerk of the court, is~~
13 ~~as provided in subdivision (b) of Section 70626 of the~~
14 ~~Government Code.~~ If the original hearing held pursuant to
15 Section 31621 was before a hearing entity other than a court of
16 the jurisdiction, appeal shall be to the superior court. If the
17 original hearing was held in the superior court, appeal shall be to
18 the superior court before a judge other than the judge who
19 originally heard the petition. The petitioner or the owner or
20 keeper of the dog shall serve personally or by first-class mail,
21 postage prepaid, notice of the appeal upon the other party.

22 (b) The court hearing the appeal shall conduct a hearing de
23 novo, without a jury, and make its own determination as to
24 potential danger and viciousness and make other orders
25 authorized by this chapter, based upon the evidence presented.
26 The hearing shall be conducted in the same manner and within
27 the time periods set forth in Section 31621 and subdivision (a).
28 The court may admit all relevant evidence, including incident
29 reports and the affidavits of witnesses, limit the scope of
30 discovery, and may shorten the time to produce records or
31 witnesses. The issue shall be decided upon the preponderance of
32 the evidence. If the court rules the dog to be potentially
33 dangerous or vicious, the court may establish a time schedule to
34 ensure compliance with this chapter, but in no case more than 30
35 days subsequent to the date of the court's determination or 35
36 days if the service of the judgment is by first-class mail.

37 ~~SEC. 12.—~~

38 SEC. 58. Section 811.9 of the Government Code is amended
39 to read:

1 811.9. (a) Notwithstanding any other provision of law,
2 judges, subordinate judicial officers, and court executive officers
3 of the superior courts are state officers for purposes of Part 1
4 (commencing with Section 810) to Part 7 (commencing with
5 Section 995), inclusive, and trial court employees are employees
6 of the trial court for purposes of Part 1 (commencing with
7 Section 810) to Part 7 (commencing with Section 995), inclusive.
8 The Judicial Council shall provide for representation, defense,
9 and indemnification of those individuals and the court pursuant
10 to Part 1 (commencing with Section 810) to Part 7 (commencing
11 with Section 995), inclusive. The Judicial Council shall provide
12 for that representation or defense through the county counsel, the
13 Attorney General, or other counsel. The county counsel and the
14 Attorney General may, but are not required to, provide
15 representation or defense for the Judicial Council. The fact that a
16 justice, judge, subordinate judicial officer, court executive
17 officer, court employee, the court, the Judicial Council, or the
18 Administrative Office of the Courts is or was represented or
19 defended by the county counsel, the Attorney General, or other
20 counsel shall not be the sole basis for a judicial determination of
21 disqualification of a justice, judge, subordinate judicial officer,
22 the county counsel, the Attorney General, or other counsel in
23 unrelated actions.

24 (b) To promote the cost-effective, prompt, and fair resolution
25 of actions, proceedings, and claims affecting the trial courts, the
26 Judicial Council shall adopt rules of court requiring the
27 Administrative Office of the Courts to manage actions,
28 proceedings, and claims that affect the trial courts and involve
29 superior courts, superior court judges, subordinate judicial
30 officers, court executive officers, or trial court employees in
31 consultation with the affected courts and individuals. The
32 Administrative Office of the Courts' management of these
33 actions, proceedings, and claims shall include, but not be limited
34 to, case management and administrative responsibilities such as
35 selection of counsel and making strategic and settlement
36 decisions.

37 (c) Nothing in this section shall be construed to affect the
38 employment status of subordinate judicial officers, court
39 executive officers, and trial court employees related to any
40 matters not covered by subdivision (a).

1 ~~SEC. 13.—~~

2 *SEC. 59.* Section 905 of the Government Code is amended to
3 read:

4 905. There shall be presented in accordance with Chapter 1
5 (commencing with Section 900) and Chapter 2 (commencing
6 with Section 910) of this part all claims for money or damages
7 against local public entities except:

8 (a) Claims under the Revenue and Taxation Code or other
9 statute prescribing procedures for the refund, rebate, exemption,
10 cancellation, amendment, modification or adjustment of any tax,
11 assessment, fee or charge or any portion thereof, or of any
12 penalties, costs or charges related thereto.

13 (b) Claims in connection with which the filing of a notice of
14 lien, statement of claim, or stop notice is required under any
15 provision of law relating to mechanics', laborers' or
16 materialmen's liens.

17 (c) Claims by public employees for fees, salaries, wages,
18 mileage or other expenses and allowances.

19 (d) Claims for which the workers' compensation authorized by
20 Division 4 (commencing with Section 3200) of the Labor Code is
21 the exclusive remedy.

22 (e) Applications or claims for any form of public assistance
23 under the Welfare and Institutions Code or other provisions of
24 law relating to public assistance programs, and claims for goods,
25 services, provisions or other assistance rendered for or on behalf
26 of any recipient of any form of public assistance.

27 (f) Applications or claims for money or benefits under any
28 public retirement or pension system.

29 (g) Claims for principal or interest upon any bonds, notes,
30 warrants, or other evidences of indebtedness.

31 (h) Claims that relate to a special assessment constituting a
32 specific lien against the property assessed and that are payable
33 from the proceeds of the assessment, by offset of a claim for
34 damages against it or by delivery of any warrant or bonds
35 representing it.

36 (i) Claims by the state or by a state department or agency or by
37 another local public entity or by a judicial branch entity.

38 (j) Claims arising under any provision of the Unemployment
39 Insurance Code, including but not limited to claims for money or
40 benefits, or for refunds or credits of employer or worker

1 contributions, penalties, or interest, or for refunds to workers of
2 deductions from wages in excess of the amount prescribed.

3 (k) Claims for the recovery of penalties or forfeitures made
4 pursuant to Article 1 (commencing with Section 1720) of
5 Chapter 1 of Part 7 of Division 2 of the Labor Code.

6 (l) Claims governed by the Pedestrian Mall Law of 1960, Part
7 1 (commencing with Section 11000) of Division 13 of the Streets
8 and Highways Code.

9 ~~SEC. 14.—~~

10 *SEC. 60.* Section 905.7 is added to the Government Code, to
11 read:

12 905.7. All claims against a judicial branch entity for money
13 or damages based upon an express contract or for an injury for
14 which the judicial branch entity is liable shall be presented in
15 accordance with Chapter 1 (commencing with Section 900) and
16 Chapter 2 (commencing with Section 910) of this part. The
17 provisions of this section are declaratory of existing law.

18 ~~SEC. 15.—~~

19 *SEC. 61.* Section 910.4 of the Government Code is amended
20 to read:

21 910.4. The board shall provide forms specifying the
22 information to be contained in claims against the state or a
23 judicial branch entity. The person presenting a claim shall use the
24 form in order that his or her claim is deemed in conformity with
25 Sections 910 and 910.2. A claim may be returned to the person if
26 it was not presented using the form. Any claim returned to a
27 person may be resubmitted using the appropriate form.

28 ~~SEC. 16. Section 69926.5 of the Government Code is~~
29 ~~amended to read:~~

30 ~~69926.5. (a) To ensure and maintain adequate funding for~~
31 ~~court security, a surcharge of twenty dollars (\$20) is added to the~~
32 ~~total fee collected pursuant to Section 26820.4, 26826, 26827,~~
33 ~~72055, or 72056.~~

34 ~~(b) In addition to the surcharge in subdivision (a), a surcharge~~
35 ~~of twenty dollars (\$20) is added to the total filing fee collected in~~
36 ~~a case pursuant to Section 26820.4, 26826, or 26827, a surcharge~~
37 ~~of twenty dollars (\$20) is added to the total filing fee collected in~~
38 ~~a limited civil case pursuant to Section 72055 or 72056 where the~~
39 ~~amount demanded, excluding attorney's fees and costs, is in~~
40 ~~excess of ten thousand dollars (\$10,000), and a surcharge of ten~~

dollars (\$10) is added to the total filing fee collected in a limited civil case pursuant to Section 72055 or 72056 where the amount demanded, excluding attorney's fees and costs, is ten thousand dollars (\$10,000), or less. The surcharges in this subdivision shall be collected in cases filed from January 1, 2004, to June 30, 2006, inclusive. The purpose of this surcharge is to stabilize funding for court security at the current level and is not intended to increase the funding available for court security in the 2004-05 and 2005-06 fiscal years. This subdivision shall become inoperative on July 1, 2006, or upon the enactment of a uniform filing fee, whichever is earlier.

(c) Notwithstanding any other provision of law, the surcharges collected pursuant to subdivisions (a) and (b) shall all be deposited in a special account in the county treasury, and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund.

SEC. 62. Section 24350.5 of the Government Code is repealed.

~~24350.5. County officers shall, and township officers may, demand the payment of all fees in civil cases, in advance.~~

SEC. 63. Section 24353 of the Government Code is amended to read:

24353. Each officer of a county or ~~judicial district of a superior court~~ authorized to collect money shall pay into the county treasury all money collected by him or her, or under his or her control, that is payable into the treasury in a timely manner, and shall remit fee, fine, and forfeiture data within 35 days after the end of the month in which they are collected to the county auditor and treasurer in the form they require. No officer who collects money as described in this section shall be required to accept payment in coin. If the county auditor finds that an officer of the county or an officer of the court has failed to comply with the requirements for payment of moneys pursuant to this section or Section 68101, which directly results in the assessment of a financial penalty pursuant to Section 68085, the county department or ~~local superior~~ court that failed to comply shall reimburse the county general fund in an amount equal to the actual penalty. With the approval of the treasurer as provided in Section 27080.1, each depositing officer may deposit directly into the treasurer's active account all money payable into the

1 county treasury. *On and after January 1, 2006, this section does*
2 *not apply to money collected under Chapter 5.8 (commencing*
3 *with Section 70600) of Title 8 or fees and fines to which Section*
4 *68085.1 applies.*

5 *SEC. 64. Section 26820 of the Government Code is amended*
6 *to read:*

7 26820. The county clerk shall charge and collect the fees
8 fixed in this article ~~and in Article 2 (commencing with Section~~
9 ~~72053) of Chapter 8 of Title 8~~ for service performed by the clerk,
10 when not otherwise provided by law.

11 *SEC. 65. Section 26820.4 of the Government Code is*
12 *amended and renumbered to read:*

13 ~~26820.4.—~~

14 70611. The ~~total~~ uniform fee for filing of the first paper in a
15 civil action or proceeding in the superior court, other than in a
16 limited civil case ~~or, an adoption proceeding, shall be one~~
17 ~~hundred eighty-five dollars (\$185)~~ a proceeding under the
18 Probate Code, or a proceeding under the Family Code, is three
19 hundred twenty dollars (\$320). The fee shall be distributed as
20 provided in Section 68085.3.

21 This section applies to the initial complaint, petition, or
22 application, and the papers transmitted from another court on the
23 transfer of a civil action or proceeding, but does not include
24 documents filed pursuant to Section 491.150, 704.750, or
25 708.160 of the Code of Civil Procedure.

26 *SEC. 66. Section 26820.6 of the Government Code is*
27 *repealed.*

28 ~~26820.6. The term “total fee” as used in Sections 26820.4,~~
29 ~~26826, and 26827, includes the amount allocated to the Judges’~~
30 ~~Retirement Fund pursuant to Section 26822.3, the vital statistic~~
31 ~~fee imposed pursuant to Section 26859, the fee for the~~
32 ~~automation and conversion of court records imposed pursuant to~~
33 ~~Section 26863, any construction fee imposed pursuant to Section~~
34 ~~76238, and the law library fee established pursuant to Article 2~~
35 ~~(commencing with Section 6320) of Chapter 5 of Division 3 of~~
36 ~~the Business and Professions Code. The term “total fee” as used~~
37 ~~in Sections 26820.4, 26826, and 26827, also includes any dispute~~
38 ~~resolution fee imposed pursuant to Section 470.3 of the Business~~
39 ~~and Professions Code, but the Judicial Council may authorize~~

1 ~~any trial court to exclude any portion of this dispute resolution~~
2 ~~fee from the term “total fee.”~~

3 *SEC. 67. Section 26820.7 of the Government Code is*
4 *repealed.*

5 ~~26820.7. The term “total fee” defined in Section 26820.6 also~~
6 ~~includes any fee imposed pursuant to Section 74671.~~

7 *SEC. 68. Section 26822.3 of the Government Code is*
8 *repealed.*

9 ~~26822.3. As part of the fees collected pursuant to Sections~~
10 ~~26820.4, 26826, and 26827 a fee of three dollars (\$3) shall be~~
11 ~~collected.~~

12 ~~The funds shall be transmitted at the end of each month to the~~
13 ~~State Controller for payment into the Judges’ Retirement Fund.~~

14 *SEC. 69. Section 26823 of the Government Code is amended*
15 *and renumbered to read:*

16 ~~26823.—~~

17 ~~70618. (a) When the venue in a case is changed, the fee for~~
18 ~~making up and transmitting the transcript and papers is~~
19 ~~twenty-three fifty dollars (\$23) (\$50) and a further sum equal to~~
20 ~~the total uniform fee for filing in the court to which the case is~~
21 ~~transferred. The clerk shall transmit the total uniform filing fee~~
22 ~~with the papers in the case to the clerk or judge of the court to~~
23 ~~which the case is transferred.~~

24 ~~(b) Notwithstanding Section 68085, fourteen dollars (\$14) of~~
25 ~~the fee authorized in this section shall be deposited in the county~~
26 ~~general fund for use as county general fund revenue.~~

27 *SEC. 67. Section 26824 of the Government Code is amended*
28 *and renumbered to read:*

29 ~~26824.—~~

30 ~~70621. (a) The fee for filing a notice of appeal to the~~
31 ~~appellate division of the superior court in a limited civil case is~~
32 ~~fifty one hundred dollars (\$50) (\$100). The Judicial Council may~~
33 ~~make rules governing the time and method of payment and~~
34 ~~providing for excuse.~~

35 ~~(b) The fee shall be distributed as follows:~~

36 ~~(1) To the county law library fund as provided in Section 6320~~
37 ~~of the Business and Professions Code, the amount specified in~~
38 ~~Sections 6321 and 6322.1 of the Business and Professions Code.~~

39 ~~(2) To the Trial Court Trust Fund, the remainder of the fee.~~

1 *SEC. 68. Section 26826 of the Government Code is amended*
2 *and renumbered to read:*

3 ~~26826.—~~

4 70612. (a) The ~~total~~ *uniform* fee for filing the first paper in
5 the action described in Section ~~26820.4~~ 70611 on behalf of any
6 defendant, intervenor, respondent, or adverse party, whether
7 separately or jointly, except for the purpose of making disclaimer
8 ~~shall be one, is three hundred eighty-two~~ *twenty* dollars ~~(\$182)~~
9 (\$320). *The fee shall be distributed as provided in Section*
10 68085.3.

11 (b) As used in this section, the term “paper” does not include
12 ~~any of the following:~~

13 ~~(1) A stipulation for the appointment of a temporary judge or~~
14 ~~of a court investigator, or the report made by the court~~
15 ~~investigator.~~

16 ~~(2) The declaration of a spouse filed in an order to show cause~~
17 ~~proceeding.~~

18 ~~(3) A marital settlement agreement which is signed by a~~
19 ~~defaulted respondent and intended for incorporation in a~~
20 ~~proposed decree of dissolution of marriage.~~

21 ~~(4) A stipulation regarding the date of termination of the~~
22 ~~marital status when the court has retained jurisdiction over that~~
23 ~~date.~~

24 ~~(5) A document relating to a stipulated postjudgment~~
25 ~~modification of child support.~~

26 ~~(6) A stipulation to modify a marital settlement agreement~~
27 ~~which was signed by a defaulted respondent and incorporated in~~
28 ~~a decree of dissolution if the stipulation is presented by the~~
29 ~~petitioner.~~

30 *SEC. 69. Section 26826.1 of the Government Code is*
31 *amended and renumbered to read:*

32 ~~26826.1.—~~

33 70622. In addition to the ~~total~~ *uniform* filing fee authorized
34 pursuant to Section ~~26820.4~~, 26826, or ~~26827~~ or any other fee
35 ~~authorized by this code~~ 70611, 70612, 70613, 70614, 70650,
36 70651, 70652, 70653, 70655, or 70670, after giving notice and
37 holding a public hearing on the proposal, the Board of
38 Supervisors of Riverside County may impose a surcharge not to
39 exceed fifty dollars (\$50) for the filing in superior court of (a) a
40 complaint, petition, or other first paper in a civil or probate action

1 or special proceeding, (b) a first paper on behalf of any
 2 defendant, respondent, intervenor, or adverse party, (c) a ~~motion~~
 3 ~~for change of venue from another court~~ *petition for dissolution of*
 4 *marriage, dissolution of domestic partnership, legal separation,*
 5 *or nullity of marriage,* (d) *a response to such a petition for sole*
 6 ~~custody of a minor, or~~ (e) a first paper on behalf of any party in a
 7 proceeding under Section 98.2 of the Labor Code, ~~or (f) any~~
 8 ~~motion, order to show cause, or other proceeding seeking to~~
 9 ~~modify or enforce any judgment or order.~~ *The county shall notify*
 10 *in writing the Superior Court of Riverside County and the*
 11 *Administrative Office of the Courts of any change in a surcharge*
 12 *under this section. When a surcharge under this section is*
 13 *imposed on a filing fee, the distribution that would otherwise be*
 14 *made to the State Court Facilities Construction Fund under*
 15 *subdivision (c) of Section 68085.3 or subdivision (c) of Section*
 16 *68085.4 shall be reduced as provided in Section 70603.*

17 (b) *The surcharge shall be in an amount determined to be*
 18 *necessary by the board of supervisors to cover the costs of the*
 19 *seismic stabilization, construction, and rehabilitation of the*
 20 *Riverside County Courthouse, and the Indio Branch Courthouse,*
 21 *and the family law courthouse, and collection thereof shall*
 22 *terminate upon repayment of the amortized costs incurred. When*
 23 *the amortized costs have been repaid, the county shall notify in*
 24 *writing the Superior Court of Riverside County and the*
 25 *Administrative Office of the Courts.*

26 *SEC. 70. Section 26826.2 of the Government Code is*
 27 *repealed.*

28 ~~26826.2. In addition to the total filing fee authorized pursuant~~
 29 ~~to Section 26820.4 or 26826 or any other fee authorized by this~~
 30 ~~code, after giving notice and holding a public hearing on the~~
 31 ~~proposal, the Board of Supervisors of Riverside County may~~
 32 ~~impose a surcharge not to exceed fifty dollars (\$50) for the filing~~
 33 ~~in superior court of (a) a petition for dissolution of marriage,~~
 34 ~~legal separation, or nullity of a marriage, (b) a response to such a~~
 35 ~~petition, or (c) any motion, order to show cause, or other~~
 36 ~~proceeding seeking to modify or enforce any judgment or order~~
 37 ~~which orders or awards custody of minor children or specifies~~
 38 ~~rights of visitation. The surcharge shall be in an amount~~
 39 ~~determined to be necessary by the board of supervisors to cover~~
 40 ~~the costs of constructing, maintaining, or operating the~~

1 conciliation court, including maintaining a secure waiting area
2 for minor children ordered brought before the court, as well as
3 enhancing or expanding the services of, or facilities for, the
4 conciliation court. The board of supervisors shall annually review
5 the requirements of the court and shall adjust the amount of the
6 surcharge to cover only those requirements determined to be
7 necessary.

8 *SEC. 71. Section 26826.3 of the Government Code is*
9 *amended and renumbered to read:*

10 ~~26826.3.—~~

11 70640. (a) It is the policy of the state that each court shall
12 endeavor to provide a children's waiting room in each courthouse
13 for children whose parents or guardians are attending a court
14 hearing as a litigant, witness, or for other court purposes as
15 determined by the court. To defray that expense, ~~in any county~~
16 ~~having established monthly allocations for children's waiting~~
17 ~~rooms shall be added to the monthly apportionment under~~
18 ~~subdivision (a) of Section 68085 for each court where a~~
19 ~~children's waiting room has been established or that elects where~~
20 ~~the court has elected to establish such a service, the board of~~
21 ~~supervisors may, after giving notice and holding a public hearing~~
22 ~~on the proposal, impose a surcharge of not less than two dollars~~
23 ~~(\$2) and not more than five dollars (\$5) for the filing in superior~~
24 ~~court of (1) a complaint, petition, or other first paper in a civil or~~
25 ~~probate action or special proceeding, (2) a first paper on behalf of~~
26 ~~any defendant, respondent, intervenor, or adverse party, (3) a~~
27 ~~motion for change of venue from another court, or (4) a first~~
28 ~~paper on behalf of any party in a proceeding under Section 98.2~~
29 ~~of the Labor Code. This surcharge shall be in addition to the total~~
30 ~~filing fee, as defined in Section 26820.6, and as applicable to~~
31 ~~Section 26820.4, 26826, 26827, or any other fee authorized by~~
32 ~~this code. No party shall be required to pay the five dollar (\$5)~~
33 ~~surcharge more than once in any action.~~

34 (b) The surcharge shall be remitted monthly by the clerk to the
35 county treasurer, to be retained by the treasurer in a special fund
36 designated as the Children's Waiting Room Fund. The board of
37 supervisors shall ~~The amount allocated to each court under this~~
38 ~~section shall be equal to the following: for each first paper filing~~
39 ~~fee as provided under Section 70611, 70612, 70613, 70614, or~~
40 ~~70670, and each first paper or petition filing fee in a probate~~

1 *matter as provided under Section 70650, 70651, 70652, 70653,*
2 *70654, 70655, 70656, or 70658, the same amount as was*
3 *required to be collected as of December 31, 2005, to the*
4 *Children's Waiting Room Fund under former Section 26826.3 in*
5 *the county in which the court is located when a fee was collected*
6 *for the filing of a first paper in a civil action under former*
7 *Section 26820.4.*

8 *(c) Notwithstanding any other provision of law, the court may*
9 *make expenditures from the fund these allocations in payment of*
10 *any cost, excluding capital outlay, related to the establishment*
11 *and maintenance of the children's waiting room, including*
12 *personnel, heat, light, telephone, security, rental of space,*
13 *furnishings, toys, books, or any other item in connection with the*
14 *operation of a children's waiting room.*

15 ~~*(e) This section shall remain in effect only until January 1,*~~
16 ~~*2010, and as of that date is repealed, unless a later enacted statute*~~
17 ~~*deletes or extends that date.*~~

18 *(d) If, as of January 1, 2006, there is a Children's Waiting*
19 *Room Fund in the county treasury established under former*
20 *Section 26826.3, the county immediately shall transfer the*
21 *moneys in that fund to the court's operations fund as a restricted*
22 *fund. By December 15, 2005, the county shall provide an*
23 *accounting of the fund to the Administrative Office of the Courts.*

24 *(e) After January 1, 2006, the court may apply to the Judicial*
25 *Council for an adjustment of the amount distributed to the fund*
26 *for each uniform filing fee. A court that wishes to establish a*
27 *children's waiting room, and does not yet have a distribution*
28 *under this section, may apply to the Judicial Council for such a*
29 *distribution. Applications under this subdivision shall be made*
30 *according to trial court financial policies and procedures*
31 *authorized by the Judicial Council under subdivision (a) of*
32 *Section 77206. Adjustments and new distributions shall be*
33 *effective January 1 or July 1 of any year beginning January 1,*
34 *2006.*

35 *(f) The distribution to a court under this section per each filing*
36 *fee shall be not less than two dollars (\$2) and not more than five*
37 *dollars (\$5).*

38 *SEC. 72. Section 26826.4 of the Government Code is*
39 *amended and renumbered to read:*

1 ~~26826.4.—~~

2 70616. (a) In addition to the first appearance fee required by
3 Section ~~26820.4~~ 70611 or ~~72055~~ 70613, a complex case fee shall
4 be paid to the clerk at the time of the filing of the first paper if
5 the case is designated as complex pursuant to the California
6 Rules of Court. However, the total complex fees collected from
7 all plaintiffs appearing in a complex case shall not exceed ten
8 thousand dollars (\$10,000).

9 (b) In addition to the first appearance fee required under
10 Section ~~26826~~ 70612 or ~~72056~~ 70614, a complex case fee shall
11 be paid on behalf of each defendant, intervenor, respondent, or
12 adverse party, whether filing separately or jointly, at the time that
13 party files its first paper in a case if the case is designated or
14 counterdesignated as complex pursuant to the California Rules of
15 Court. This additional complex fee shall be charged to each
16 defendant, intervenor, respondent, or adverse party appearing in
17 the case, but the total complex fees collected from all the
18 defendants, intervenors, respondents, or other adverse parties
19 appearing in a complex case shall not exceed ten thousand
20 dollars (\$10,000).

21 (c) In each case in which a court determines that the case is a
22 complex case pursuant to the California Rules of Court, all
23 parties who have not paid the fees required under subdivision (a)
24 or (b) shall pay the complex case fee prescribed by those
25 subdivisions to the clerk of the court within 10 calendar days of
26 the filing of the court's order.

27 (d) In each case in which the court determines that a case that
28 has been designated or counterdesignated as complex is not a
29 complex case, the court shall order reimbursement to the parties
30 of the amount of any complex case fees that the parties have
31 previously paid pursuant to subdivision (a) or (b).

32 (e) (1) In each case determined to be complex in which the
33 total fees actually collected exceed, or if collected would exceed,
34 the limit in subdivision (a), the court shall make any order as is
35 necessary to ensure that the total complex fees paid by the
36 plaintiffs appearing in the case do not exceed the limit and that
37 the complex fees paid by the plaintiffs are apportioned fairly
38 among the plaintiffs.

39 (2) In each case determined to be complex in which the total
40 fees actually collected exceed, or if collected would exceed, the

limit in subdivision (b), the court shall make any order as is necessary to ensure that the total complex fees paid by the defendants, intervenors, respondents, or other adverse parties appearing in the case do not exceed the limit and that the complex fees paid by those parties are apportioned fairly among those parties.

(f) The complex case fee established by this section shall be five hundred *fifty* dollars ~~(\$500)~~ (\$550), unless the fee is reduced pursuant to this section. The fee shall be ~~deposited in a special account in the county treasury and transmitted therefrom monthly to the Controller for deposit in the Trial Court Trust Fund as provided in Section 68085.1.~~

~~(g) The fees provided by this section shall be subject to the surcharge imposed by Section 68087.~~

~~(h) The fees provided by this section are in addition to the total filing fee authorized by Section 26820.4, 26826, 72055, or 72056, or any other fee authorized by law 70611, 70612, 70613, or 70614.~~

~~(i)~~

~~(h)~~ Failure to pay the fees required by this section shall have the same effect as the failure to pay a filing fee, and shall be subject to the same enforcement and penalties.

~~(j)~~

~~(i)~~ The complex fees provided for in this section shall be charged in all complex cases filed on or after August 18, 2003.

~~(k) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.~~

SEC. 73. Section 26827 of the Government Code, as amended by Section 4 of Chapter 757 of the Statutes of 2003, is amended and renumbered to read:

~~26827.—~~

70650. (a) The ~~total~~ uniform filing fee for ~~filing~~ the first petition for letters of administration or letters testamentary, or the first petition for special letters of administration with the powers of a general personal representative pursuant to Section 8545 of the Probate Code, or a first account of a ~~testamentary~~ trustee of a *testamentary* trust that is subject to the continuing jurisdiction of

1 the court pursuant to Chapter 4 (commencing with Section
2 17300) of Part 5 of Division 9 of the Probate Code is, as follows:

3 (1) ~~One-Three~~ hundred ~~eighty-five~~ *twenty* dollars ~~—(\$185)~~
4 (\$320) for estates or trusts under two hundred fifty thousand
5 dollars (\$250,000).

6 (2) ~~Two-Three~~ hundred ~~fifty~~ *eighty-five* dollars ~~—(\$250)~~ (\$385)
7 for estates or trusts of at least two hundred fifty thousand dollars
8 (\$250,000) and less than five hundred thousand dollars
9 (\$500,000).

10 (3) ~~Three-Four~~ hundred ~~fifty~~ *eighty-five* dollars ~~—(\$350)~~ (\$485)
11 for estates or trusts of at least five hundred thousand dollars
12 (\$500,000) and less than seven hundred fifty thousand dollars
13 (\$750,000).

14 (4) ~~Five-Six~~ hundred *thirty-five* dollars ~~—(\$500)~~ (\$635) for
15 estates or trusts of at least seven hundred fifty thousand dollars
16 (\$750,000) and less than one million dollars (\$1,000,000).

17 (5) One thousand *one hundred thirty-five* dollars ~~—(\$1,000)~~
18 (\$1,135) for estates or trusts of at least one million dollars
19 (\$1,000,000) and less than one million five hundred thousand
20 dollars (\$1,500,000).

21 (6) Two thousand *one hundred thirty-five* dollars ~~—(\$2,000)~~
22 (\$2,135) for estates or trusts of at least one million five hundred
23 thousand dollars (\$1,500,000) and less than two million dollars
24 (\$2,000,000).

25 (7) Two thousand ~~five~~ *six* hundred *thirty-five* dollars ~~—(\$2,500)~~
26 (\$2,635) for estates or trusts of at least two million dollars
27 (\$2,000,000) and less than two million five hundred thousand
28 dollars (\$2,500,000).

29 (8) Three thousand ~~five~~ *six* hundred *thirty-five* dollars ~~—(\$3,500)~~
30 (\$3,635) for estates or trusts of at least two million five hundred
31 thousand dollars (\$2,500,000) and less than three million five
32 hundred thousand dollars (\$3,500,000).

33 (9) Three thousand ~~five~~ *six* hundred *thirty-five* dollars ~~—(\$3,500)~~
34 (\$3,635) plus 0.2 percent of the amount over three million five
35 hundred thousand dollars (\$3,500,000) for estates or trusts of
36 three million five hundred thousand dollars (\$3,500,000) or
37 more.

38 (b) The petitioner under subdivision (a) shall estimate the fair
39 market value of the decedent's estate at the date of the decedent's
40 death in the petition, without reference to encumbrances or other

obligations on estate property. The filing fee shall be determined based on the estimate by the petitioner at the time the petition is filed. If the final appraised value of the decedent's estate would result in a filing fee different from the filing fee actually paid, an adjustment shall be made at the time of the final account, under rules adopted by the Judicial Council. The filing fee for a trustee under subdivision (a) shall be based on the value of the trust shown in the first account.

(c) ~~The total uniform filing fee for filing the first petition for special letters of administration without the powers of a general personal representative, the first petition for letters of guardianship or letters of conservatorship, a petition for compromise of a minor's claim, a petition pursuant to Section 13151 of the Probate Code, a petition pursuant to Section 13650 of the Probate Code, except as provided in Section 13652 of the Probate Code, or a petition to contest the first objections to the probate of any will or codicil under Section 8250 of the Probate Code, or the first petition for revocation of probate of any will or codicil under Section 8270 of the Probate Code is one three hundred eighty-five~~ twenty dollars ~~(\$185)~~ (\$320). *Where objections to the probate of a will or codicil or a petition for revocation of probate of a will or codicil are filed together with a petition for appointment of a personal representative described in subdivision (d) filed by the same person, only the fee provided in subdivision (d) shall be charged to that person.*

(d) A fee of ~~one three hundred eighty-five~~ twenty dollars ~~(\$185)~~ (\$320) shall also be charged for filing ~~any~~ each subsequent petition or objections of a type described in subdivision (a) or (c) in the same proceeding by a person other than the original petitioner or contestant. If a person is appointed on a subsequent petition and qualifies as administrator, executor, or special administrator with the powers of a general personal representative under subdivision (a), the successful personal representative shall reimburse the original petitioner in the amount of the filing fee paid by the original petitioner in excess of ~~one three hundred eighty-five~~ twenty dollars ~~(\$185)~~ (\$320), less any unpaid costs awarded to the successful petitioner against the original petitioner, under rules adopted by the Judicial Council. The reimbursement shall be an expense of administration in the estate.

~~(e) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed. The first three hundred twenty dollars (\$320) of the filing fee charged under this section shall be distributed as provided in Section 68085.3. The remainder shall be distributed to the Trial Court Trust Fund.~~

SEC. 74. Section 26827 of the Government Code, as added by Section 10 of Chapter 159 of the Statutes of 2003, is repealed.

~~26827. (a) The total fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee of a trust that is subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code, a petition for letters of guardianship, a petition for letters of conservatorship, a petition for compromise of a minor's claim, a petition pursuant to Section 13151 of the Probate Code, a petition pursuant to Section 13650 of the Probate Code (except as provided in Section 13652 of the Probate Code), or a petition to contest any will or codicil is one hundred eighty-five dollars (\$185).~~

~~(b) The fee set forth in subdivision (a) shall also be charged for filing any subsequent petition of a type described in subdivision (a) in the same proceeding by a person other than the original petitioner.~~

~~(c) This section shall become operative July 1, 2006.~~

SEC. 75. Section 26827.1 of the Government Code is repealed.

~~26827.1. In Los Angeles County, whenever the court directs that an order or decree in a probate proceeding be prepared by the clerk, the fee for preparing such order or decree shall be the amount necessary to defray the costs of preparation, as determined by the clerk of the court on an annual basis, but shall not exceed fifty dollars (\$50). The fee so paid shall be an expense of administration.~~

SEC. 76. Section 26827.4 of the Government Code is repealed.

1 ~~26827.4. (a) The fee for filing a subsequent paper in a~~
2 ~~proceeding under the Probate Code which requires a court~~
3 ~~hearing is twenty-three dollars (\$23), except for papers for~~
4 ~~proceedings required by any of the following:~~

5 ~~(1) Section 10501 of the Probate Code.~~

6 ~~(2) Accountings of trustees of testamentary trusts that are~~
7 ~~subject to the continuing jurisdiction of the court pursuant to~~
8 ~~Chapter 4 (commencing with Section 17300) of Part 5 of~~
9 ~~Division 9 of the Probate Code.~~

10 ~~(3) Division 4 (commencing with Section 1400) of the Probate~~
11 ~~Code.~~

12 ~~(b) Objections to any papers exempt from the fee imposed by~~
13 ~~this section are subject to the filing fee of twenty-three dollars~~
14 ~~(\$23). This section does not apply to petitions filed pursuant to~~
15 ~~subdivision (b) of Section 26827.~~

16 ~~(c) Notwithstanding Section 68085, fourteen dollars (\$14) of~~
17 ~~the twenty-three dollar (\$23) fee authorized in subdivisions (a)~~
18 ~~and (b) shall be deposited in the county general fund for use as~~
19 ~~county general fund revenue.~~

20 ~~SEC. 77. Section 26827.5 of the Government Code is~~
21 ~~amended and renumbered to read:~~

22 ~~26827.5.—~~

23 ~~70659. Where the public administrator, public guardian, or~~
24 ~~public conservator, or an employee of the State Department of~~
25 ~~Mental Health or the State Department of Developmental~~
26 ~~Services is the petitioner in an official capacity in a proceeding~~
27 ~~described in Section 26827 or 26827.4 70650, 70653, 70657, or~~
28 ~~70658, the fee is payable only out of the assets of the estate~~
29 ~~coming into the official's possession or control.~~

30 ~~SEC. 78. Section 26827.6 of the Government Code is~~
31 ~~amended and renumbered to read:~~

32 ~~26827.6.—~~

33 ~~70660. (a) The fee for receiving and storing a each document~~
34 ~~transferred to the clerk of the superior court under Section 732 of~~
35 ~~the Probate Code is ten twenty dollars (\$10), unless the court~~
36 ~~determines that ten dollars (\$10) is less than the direct cost of~~
37 ~~making a photograph, microphotograph, photocopy, or electronic~~
38 ~~image of the document, if any, and the direct cost of indexing~~
39 ~~and long-term storage of the document or its photograph,~~
40 ~~microphotograph, photocopy, or electronic image. Any~~

~~determination made by a court under this subdivision shall be valid only if either (1) made under procedures adopted by the Judicial Council or (2) approved by the Judicial Council (\$20).~~

~~(b) If the court makes the determination provided in subdivision (a), the court may set a fee for receiving and storing a document that exceeds ten dollars (\$10), but that fee shall not exceed the direct costs specified in subdivision (a).~~

~~(e) The superior court may reduce or waive the fee established pursuant to this section under either of the following circumstances:~~

~~(1) The court has assumed jurisdiction under Article 11 (commencing with Section 6180) of Chapter 4 of Division 3 of the Business and Professions Code over the law practice of the attorney with whom the document is deposited.~~

~~(2) On a showing of hardship.~~

SEC. 79. Section 26827.7 of the Government Code is amended and renumbered to read:

~~26827.7.—~~

70661. The fee for searching a document transferred to the clerk of the superior court under Section 732 of the Probate Code is the same as the fee under subdivision (c) of Section 26854 70627 for searching records or files.

SEC. 80. Section 26828 of the Government Code is repealed.

~~26828. The fee for issuing a writ of attachment, a writ of mandate, a writ of execution, a writ of sale, a writ of possession, a writ of prohibition, or any other writ for the enforcement of any order or judgment is seven dollars (\$7).~~

SEC. 81. Section 26829 of the Government Code is repealed.

~~26829. The fee for issuing an order of sale is twenty dollars (\$20).~~

SEC. 82. Section 26830 of the Government Code, as amended by Section 11 of Chapter 159 of the Statutes of 2003, is repealed.

~~26830. (a) Except as provided in subdivisions (b), (c), and (d), the fee for filing any notice of motion, or any other paper requiring a hearing subsequent to the first paper, or any notice of intention to move for a new trial of any civil action or special proceeding, or an application for renewal of a judgment, is thirty-three dollars (\$33).~~

~~However, there shall be no fee for filing any of the following:~~

~~(1) An amended notice of motion.~~

1 ~~(2) A civil case management statement.~~

2 ~~(3) A hearing on a petition for emancipation of a minor.~~

3 ~~(4) Default hearings.~~

4 ~~(5) A show-cause hearing on a petition for an injunction~~
5 ~~prohibiting harassment.~~

6 ~~(6) A show-cause hearing on an application for an order~~
7 ~~prohibiting domestic violence.~~

8 ~~(7) A show-cause hearing on writs of review, mandate, or~~
9 ~~prohibition.~~

10 ~~(8) A show-cause hearing on a petition for a change of name.~~

11 ~~(9) A hearing to compromise a claim of a minor or an insane~~
12 ~~or incompetent person.~~

13 ~~(b) The fee for filing a motion for summary judgment or~~
14 ~~summary adjudication of issues is one hundred fifty dollars~~
15 ~~(\$150).~~

16 ~~(c) The fee for the filing of any motion in small claims court~~
17 ~~matters is fourteen dollars (\$14), which shall be deposited in the~~
18 ~~county general fund for use as county general fund revenue.~~

19 ~~(d) If a continuance is granted, in addition to the notice of~~
20 ~~motion fee required under subdivision (a), a fee of one hundred~~
21 ~~dollars (\$100) shall be collected for filing a motion or a~~
22 ~~stipulation for continuance of a trial, or requesting a continuance~~
23 ~~for trial orally, which shall be deposited in a special account in~~
24 ~~the county treasury and transmitted therefrom monthly to the~~
25 ~~Controller for deposit in the Trial Court Trust Fund.~~

26 ~~(e) Notwithstanding Section 68085, fourteen dollars (\$14) of~~
27 ~~the thirty-three dollar (\$33) fee authorized in subdivision (a) and~~
28 ~~one hundred dollars (\$100) of the one hundred fifty dollar (\$150)~~
29 ~~fee established by subdivision (b) shall be deposited in the~~
30 ~~county general fund for use as county general fund revenue. The~~
31 ~~balance of the fees collected shall all be deposited in a special~~
32 ~~account in the county treasury and transmitted therefrom monthly~~
33 ~~to the Controller for deposit in the Trial Court Trust Fund.~~

34 ~~(f) Regardless of whether each motion or matter is heard at a~~
35 ~~single hearing or at separate hearings, the filing fees required by~~
36 ~~subdivisions (a), (b), (c), and (d) apply separately to each motion~~
37 ~~or other paper filed.~~

38 ~~(g) This section shall become inoperative on July 1, 2006, and,~~
39 ~~as of January 1, 2007, is repealed, unless a later enacted statute~~

1 ~~that is enacted before January 1, 2007, deletes or extends the~~
2 ~~dates on which it becomes inoperative and is repealed.~~

3 *SEC. 83. Section 26830 of the Government Code, as added by*
4 *Section 12 of Chapter 159 of the Statutes of 2003, is repealed.*

5 ~~26830. (a) Except as provided in subdivisions (b) and (c), the~~
6 ~~fee for filing any notice of motion, or any other paper requiring a~~
7 ~~hearing subsequent to the first paper, or any notice of intention to~~
8 ~~move for a new trial of any civil action or special proceeding, or~~
9 ~~an application for renewal of a judgment, is thirty-three dollars~~
10 ~~(\$33).~~

11 ~~However, there shall be no fee for filing any of the following:~~

12 ~~(1) An amended notice of motion.~~

13 ~~(2) A civil case management statement.~~

14 ~~(3) A hearing on a petition for emancipation of a minor.~~

15 ~~(4) Default hearings.~~

16 ~~(5) A show-cause hearing on a petition for an injunction~~
17 ~~prohibiting harassment.~~

18 ~~(6) A show-cause hearing on an application for an order~~
19 ~~prohibiting domestic violence.~~

20 ~~(7) A show-cause hearing on writs of review, mandate, or~~
21 ~~prohibition.~~

22 ~~(8) A show-cause hearing on a petition for a change of name.~~

23 ~~(9) A hearing to compromise a claim of a minor or an insane~~
24 ~~or incompetent person.~~

25 ~~(b) The fee for filing a motion for summary judgment or~~
26 ~~summary adjudication of issues is one hundred dollars (\$100).~~

27 ~~(c) The fee for the filing of any motion in small claims court~~
28 ~~matters is fourteen dollars (\$14), which shall be deposited in the~~
29 ~~county general fund for use as county general fund revenue.~~

30 ~~(d) Notwithstanding Section 68085, fourteen dollars (\$14) of~~
31 ~~the thirty-three dollar (\$33) fee authorized in subdivision (a) and~~
32 ~~the one hundred dollar (\$100) fee established by subdivision (b)~~
33 ~~shall be deposited in the county general fund for use as county~~
34 ~~general fund revenue. The balance of the fees collected shall all~~
35 ~~be deposited in a special account in the county treasury and~~
36 ~~transmitted therefrom monthly to the Controller for deposit in the~~
37 ~~Trial Court Trust Fund.~~

38 ~~(e) Regardless of whether each motion or matter is heard at a~~
39 ~~single hearing or at separate hearings, the filing fees required by~~

1 subdivisions (a), (b), and (c) apply separately to each motion or
2 other paper filed.

3 ~~(f) This section shall become operative July 1, 2006.~~

4 *SEC. 84. Section 26831 of the Government Code is amended*
5 *to read:*

6 26831. The county clerk may charge a reasonable fee to cover
7 the cost of preparing copies of any record, proceeding, or paper
8 on file in his or her office.

9 *SEC. 85. Section 26832 of the Government Code is repealed.*

10 ~~26832. (a) Notwithstanding the fee authorized by Section~~
11 ~~26833, a fee of three dollars (\$3) shall be paid by a public agency~~
12 ~~applicant for a certified copy of a marriage dissolution record~~
13 ~~that the agency is required to obtain in the ordinary course of~~
14 ~~business. A fee of six dollars (\$6) shall be paid by any other~~
15 ~~applicant for a certified copy of a marriage dissolution record.~~
16 ~~Three dollars (\$3) of any six-dollar (\$6) fee shall be transmitted~~
17 ~~monthly by each county clerk to the state for deposit into the~~
18 ~~General Fund as provided by Section 1852 of the Family Code.~~

19 ~~(b) As used in this section, "marriage dissolution record"~~
20 ~~means the judgment.~~

21 *SEC. 86. Section 26832.1 of the Government Code is*
22 *amended and renumbered to read:*

23 ~~26832.1.—~~

24 ~~70674. (a) Notwithstanding~~ *Except as provided by Section*
25 *6103.9, and notwithstanding the fee authorized by* ~~Section~~
26 ~~26833.1 paragraph (4) of subdivision (a) of Section 70626, a fee~~
27 ~~of five ten dollars (\$5) (\$10) shall be paid by a public agency~~
28 ~~applicant for a certified copy of a marriage or domestic~~
29 ~~partnership dissolution record that the agency is required to~~
30 ~~obtain in the ordinary course of business. A fee of ten fifteen~~
31 ~~dollars (\$10) (\$15) shall be paid by any other applicant for a~~
32 ~~certified copy of a marriage or domestic partnership dissolution~~
33 ~~record. Five dollars (\$5) of any ten fifteen dollar (\$10) (\$15) fee~~
34 ~~shall be transmitted monthly by each clerk of the court to the~~
35 ~~state for deposit into the Family Law Trust Fund as provided by~~
36 ~~Section 1852 of the Family Code. The remainder of the fees~~
37 ~~collected under this section shall be deposited into the Trial~~
38 ~~Court Trust Fund.~~

39 (b) As used in this section, "marriage or domestic partnership
40 dissolution record" means the judgment.

~~(e) Notwithstanding Section 68085, three dollars (\$3) of the five dollar (\$5) fee and three dollars (\$3) of the ten dollar (\$10) fee authorized in subdivision (a) shall be deposited in the county general fund for use as county general fund revenue.~~

SEC. 87. Section 26833.1 of the Government Code is repealed.

~~26833.1. The fee for certifying a copy of any paper, record, or proceeding on file in the office of the clerk of any court is six dollars (\$6). For every certificate the fee for which is not otherwise fixed, the fee is six dollars (\$6). Notwithstanding Section 68085, one dollar and seventy-five cents (\$1.75) of the fee authorized in this section shall be deposited in the county general fund for use as county general fund revenue.~~

SEC. 88. Section 26833.5 of the Government Code is amended and renumbered to read:

~~26833.5.—~~

70676. No fee shall be charged to an indigent plaintiff petitioner for certified copies of any order issued pursuant to any of the following:

(a) Article 2 (commencing with Section 2045), Article 3 (commencing with Section 2047), or Article 4 (commencing with Section 2049) of Chapter 4 of Part 1 of Division 6 of the Family Code.

(b) Division 10 (commencing with Section 6200) of the Family Code.

(c) Article 2 (commencing with Section 7710), Article 3 (commencing with Section 7720), or Article 4 (commencing with Section 7730) of Chapter 6 of Part 3 of Division 12 of the Family Code.

SEC. 89. Section 26834 of the Government Code is repealed.

~~26834. The fee for issuing an abstract of judgment is seven dollars (\$7).~~

SEC. 90. Section 26835.1 of the Government Code is amended and renumbered to read:

~~26835.1.—~~

70629. (a) The clerk of the court shall collect a fee of ~~six~~ fifteen dollars ~~(\$6)~~ (\$15) per signature for any document that is required to be authenticated pursuant to court order.

(b) Each document authenticated by the clerk of the court shall contain the following statement:

1 “____, Clerk of the Superior Court, ~~in and for the County of~~
2 ~~____, State of California. Signed pursuant to court order dated~~
3 ~~____ in the matter of ____ petitioner v. ____, respondent, Case~~
4 ~~No. ____.~~”

5 ~~(e) Notwithstanding Section 68085, two dollars (\$2) of the fee~~
6 ~~authorized by subdivision (a) shall be deposited in the county~~
7 ~~general fund for use as county general fund revenue.~~

8 *SEC. 91. Section 26836.1 of the Government Code is*
9 *repealed.*

10 ~~26836.1. For every certificate the fee for which is not~~
11 ~~otherwise fixed, the fee is six dollars (\$6). Notwithstanding~~
12 ~~Section 68085, one dollar and seventy-five cents (\$1.75) of the~~
13 ~~fee authorized in this section shall be deposited in the county~~
14 ~~general fund for use as county general fund revenue.~~

15 *SEC. 92. Section 26837 of the Government Code is amended*
16 *to read:*

17 26837. For comparing with the original on file in the office of
18 the county clerk, the copy of any paper, record, or proceeding
19 prepared by another and presented for his *or her* certificate, the
20 fee is fifty cents (\$0.50) a page, in addition to the fee for ~~his the~~
21 certificate.

22 *SEC. 93. Section 26837.1 of the Government Code is*
23 *repealed.*

24 ~~26837.1. For comparing with the original on file in the office~~
25 ~~of the clerk of any court, the copy of any paper, record, or~~
26 ~~proceeding prepared by another and presented for the clerk's~~
27 ~~certificate, the fee is one dollar (\$1) per page, in addition to the~~
28 ~~fee for the certificate. Notwithstanding Section 68085, fifty cents~~
29 ~~(\$0.50) of the fee authorized in this section shall be deposited in~~
30 ~~the county general fund for use as county general fund revenue.~~

31 *SEC. 94. Section 26838 of the Government Code is amended*
32 *and renumbered to read:*

33 ~~26838.—~~

34 70620. The fee for a certificate required by courts of appeal
35 or the Supreme Court on filing a notice of motion prior to the
36 filing of the record on appeal in the reviewing court is
37 ~~twenty-three twenty dollars (\$23) (\$20). Notwithstanding Section~~
38 ~~68085, fourteen dollars (\$14) of the fee authorized in this section~~
39 ~~shall be deposited in the county general fund for use as county~~
40 ~~general fund revenue.~~

1 *SEC. 95. Section 26840.3 of the Government Code is*
2 *amended to read:*

3 26840.3. (a) ~~The superior court in any county may, for~~ *For*
4 the support of the family conciliation court or for conciliation
5 and mediation services provided pursuant to Chapter 11
6 (commencing with Section 3160) of Part 2 of Division 8 of the
7 Family Code, ~~upon action of the board of supervisors to provide~~
8 all space costs and indirect overhead costs from other sources,
9 *the board of supervisors in any county may increase:*

10 (1) The fee for issuing a marriage license, by an amount not to
11 exceed five dollars (\$5).

12 (2) The fee for issuing a marriage certificate pursuant to Part 4
13 (commencing with Section 500) of Division 3 of the Family
14 Code, by an amount not to exceed five dollars (\$5).

15 (b) ~~The funds shall be paid to the county treasury and an~~
16 ~~amount equal thereto shall~~ *county shall distribute the moneys*
17 ~~received under subdivision (a) to the court to be used exclusively~~
18 to pay the costs of maintaining the family conciliation court or
19 conciliation and mediation services provided pursuant to Chapter
20 11 (commencing with Section 3160) of Part 2 of Division 8 of
21 the Family Code.

22 *SEC. 96. Section 26840.4 of the Government Code is*
23 *repealed.*

24 ~~26840.4. As an alternative to the procedure in paragraph (1)~~
25 ~~of subdivision (a) of Section 26840.3, the Board of Supervisors~~
26 ~~of Napa or Shasta County may impose a fee for the filing of a~~
27 ~~petition for dissolution of a marriage, a petition for legal~~
28 ~~separation, or a petition for nullity of a marriage, which, when~~
29 ~~added to the additional fees, if any, collected pursuant to~~
30 ~~paragraphs (2) and (3) of subdivision (a) of Section 26840.3, is~~
31 ~~sufficient to cover the costs of operation of the conciliation court.~~
32 ~~However, no fee adopted pursuant to this subdivision shall~~
33 ~~exceed the fee charged on January 1, 1978, by more than sixty~~
34 ~~dollars (\$60).~~

35 ~~The funds shall be paid to the county treasury and shall be used~~
36 ~~exclusively to pay the costs of maintaining the conciliation court.~~

37 *SEC. 97. Section 26841 of the Government Code is repealed.*

38 ~~26841. The superior court in any county may increase the fee~~
39 ~~for the filing of any paper in response to an order or an~~
40 ~~application for a protective order, as defined in Section 6218 of~~

1 the Family Code, by five dollars (\$5), upon the adoption of a
2 resolution to that effect by the board of supervisors. The five
3 dollars (\$5) shall be disposed of pursuant to the provisions of
4 Chapter 5 (commencing with Section 18290) of Part 6 of
5 Division 9 of the Welfare and Institutions Code.

6 *SEC. 98. Section 26850.1 of the Government Code is*
7 *repealed.*

8 26850.1. For filing and indexing all papers for which a charge
9 is not elsewhere provided, other than papers filed in actions or
10 special proceedings, official bonds, or certificates of
11 appointment, the fee is six dollars (\$6). Notwithstanding Section
12 68085, two dollars and twenty-five cents (\$2.25) of the fee
13 authorized in this section shall be deposited in the county general
14 fund for use as county general fund revenue.

15 *SEC. 99. Section 26851.1 of the Government Code is*
16 *repealed.*

17 26851.1. For either recording or registering any license or
18 certificate or issuing any certificate, or both, in connection with a
19 license, required by law for which a charge is not otherwise
20 prescribed, the fee is six dollars (\$6). Notwithstanding Section
21 68085, two dollars and twenty-five cents (\$2.25) of the fee
22 authorized in this section shall be deposited in the county general
23 fund for use as county general fund revenue.

24 *SEC. 100. Section 26852.1 of the Government Code is*
25 *repealed.*

26 26852.1. The fee for each certificate to the official capacity of
27 any public official is six dollars (\$6). Notwithstanding Section
28 68085, two dollars and twenty-five cents (\$2.25) of the fee
29 authorized in this section shall be deposited in the county general
30 fund for use as county general fund revenue.

31 *SEC. 101. Section 26853.1 of the Government Code is*
32 *repealed.*

33 26853.1. The fee for taking an affidavit, except in criminal
34 cases or adoption proceedings, is six dollars (\$6).
35 Notwithstanding Section 68085, two dollars and twenty-five
36 cents (\$2.25) of the fee authorized in this section shall be
37 deposited in the county general fund for use as county general
38 fund revenue.

39 *SEC. 102. Section 26855.4 of the Government Code is*
40 *repealed.*

1 ~~26855.4. The fee for taking acknowledgment of any deed or~~
2 ~~other instrument, including the certificate, is six dollars (\$6) for~~
3 ~~each signature. Notwithstanding Section 68085, two dollars and~~
4 ~~twenty-five cents (\$2.25) of the fee authorized in this section~~
5 ~~shall be deposited in the county general fund for use as county~~
6 ~~general fund revenue.~~

7 ~~SEC. 103. Section 26856 of the Government Code is~~
8 ~~repealed.~~

9 ~~26856. The fees fixed by this article are in full for all services~~
10 ~~rendered by the clerk of the court in any civil action or special~~
11 ~~proceeding.~~

12 ~~SEC. 103.5. Section 26857 of the Government Code is~~
13 ~~amended to read:~~

14 ~~26857. No fee shall be charged by the clerk for service~~
15 ~~rendered to a defendant in any criminal action or, to the~~
16 ~~petitioner in any adoption proceeding except as provided in~~
17 ~~Section 103730 of the Health and Safety Code, nor shall any fees~~
18 ~~be charged for any service to the state or for any proceeding~~
19 ~~brought pursuant to Section 7841 of the Family Code to declare a~~
20 ~~minor free from parental custody or control. No fee shall be~~
21 ~~charged by the clerk for service rendered to any municipality or~~
22 ~~county in the state, or to the state or national government, nor for~~
23 ~~any service relating thereto.~~

24 ~~SEC. 104. Section 26857.5 of the Government Code is~~
25 ~~amended and renumbered to read:~~

26 ~~26857.5.—~~

27 ~~70673. Notwithstanding any other provision of law, no fee~~
28 ~~shall be charged to file a respondent's or defendant's appearance,~~
29 ~~stipulation if any, and waiver of rights in the action under the~~
30 ~~Soldiers' and Sailors' Civil Relief Act of 1940 Service members~~
31 ~~Civil Relief Act (50 U.S.C. App. Secs. 501 to 596, inclusive) in an~~
32 ~~action for dissolution of marriage or domestic partnership, legal~~
33 ~~separation, or nullity, or to establish paternity parentage, in any~~
34 ~~case wherein the respondent or defendant is a member of the~~
35 ~~armed forces of the United States and does not contest the action~~
36 ~~for dissolution of marriage or domestic partnership, legal~~
37 ~~separation, or nullity, or to establish paternity parentage.~~

38 ~~SEC. 105. Section 26859 of the Government Code is~~
39 ~~repealed.~~

1 ~~26859. At the time of filing of each initial petition for~~
2 ~~dissolution of marriage, legal separation, or nullity, the petitioner~~
3 ~~shall pay a fee of two dollars (\$2) to the clerk of the court for the~~
4 ~~costs of complying with Chapter 10 (commencing with Section~~
5 ~~103200) of Part 1 of Division 102 of the Health and Safety Code.~~

6 ~~The clerk of the court shall pay one-half of all those fees to the~~
7 ~~State Registrar of Vital Statistics each month. The State Registrar~~
8 ~~shall transmit those sums to the Treasurer for deposit in the~~
9 ~~General Fund.~~

10 ~~SEC. 106. Section 26862 of the Government Code is amended~~
11 ~~and renumbered to read:~~

12 ~~26862.—~~

13 ~~70678. In any county in which there is a family conciliation~~
14 ~~court, or in which counties have by contract established joint~~
15 ~~family conciliation court services addition to the fee set forth in~~
16 ~~Section 70677, a fee of twenty twenty-five dollars (\$20) (\$25)~~
17 ~~shall be paid to the clerk of the court at the time of filing a~~
18 ~~motion, order to show cause, or other proceeding seeking to~~
19 ~~modify or enforce that portion of any judgment or order entered~~
20 ~~in this state or any other state which orders or awards the custody~~
21 ~~of a minor child or children or which specifies the rights of any~~
22 ~~party to the proceeding to visitation of a minor child or children.~~
23 ~~Notwithstanding Section 68085, fifteen Fifteen dollars (\$15) of~~
24 ~~the fee authorized in this section shall be deposited in the county~~
25 ~~treasury and shall be used exclusively to pay the costs of~~
26 ~~maintaining the family conciliation court mediation services~~
27 ~~provided under Chapter 11 (commencing with Section 3160) of~~
28 ~~Part 2 of Division 8 of the Family Code, and ten dollars (\$10) of~~
29 ~~the fee shall be used exclusively to pay the costs of services~~
30 ~~provided by the family law facilitator under Section 10005 of the~~
31 ~~Family Code.~~

32 ~~SEC. 107. Section 26863 of the Government Code is~~
33 ~~repealed.~~

34 ~~26863. (a) The board of supervisors of any county may~~
35 ~~provide for an additional fee of one dollar (\$1) for filings in a~~
36 ~~civil action or proceeding, as specified in Section 68090.7, to~~
37 ~~defray the cost of automating the trial court recordkeeping~~
38 ~~system and conversion of the trial court document storage system~~
39 ~~to micrographics.~~

~~(b) The board of supervisors may increase this additional fee to not more than three dollars (\$3) if it expends an additional, matching amount from the county general fund, equal to the revenue derived from the increase, exclusively to pay the costs of automating the trial court recordkeeping system or converting the trial court's document system to micrographics, or both.~~

~~(c) Upon completion of the automation and conversion, and payment of the costs therefor, the additional fee shall no longer be imposed.~~

SEC. 108. Section 27293 of the Government Code is amended to read:

27293. (a) Except as otherwise provided in subdivision (b), when an instrument intended for record is executed or certified in whole or in part in any language other than English, the recorder shall not accept the instrument for record. A translation in English of an instrument executed or certified in whole or in part in any language other than English may be presented to the ~~judge of a court of record~~ *county clerk*, and upon verification that the translation is a true translation the ~~judge clerk~~ shall duly make certification of the fact under seal of the ~~court~~ *county*, attach the certification to the translation, and attach the certified translation to the original instrument. For ~~such~~ *this* verification and certification, a fee of one dollar and fifty cents (\$1.50) shall be paid for each folio contained in the translation. The attached original instrument and certified translation may be presented to the recorder, and upon payment of the usual fees the recorder shall accept and permanently file the instrument and record the certified translation. The recording of the certified translation gives notice and is of the same effect as the recording of an original instrument. Certified copies of the recorded translation may be recorded in other counties, with the same effect as the recording of the original translation; provided, however, that in those counties where photostatic or photographic method of recording is employed, the whole instrument, including the foreign language and the translation may be recorded, and the original instrument returned to the party leaving it for record or upon his or her order.

(b) The provisions of subdivision (a) do not apply to any instrument offered for record ~~which~~ *that* contains provisions in English and a translation of the English provisions in any

language other than English, provided that the English provisions and the translation thereof are specifically set forth in state or federal law.

SEC. 109. Section 54985 of the Government Code is amended to read:

54985. (a) Notwithstanding any other provision of law that prescribes an amount or otherwise limits the amount of a fee or charge that may be levied by a county, a county service area, or a county waterworks district governed by a county board of supervisors, a county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. The fee or charge may reflect the average cost of providing any product or service or enforcing any regulation. Indirect costs that may be reflected in the cost of providing any product or service or the cost of enforcing any regulation shall be limited to those items that are included in the federal Office of Management and Budget Circular A-87 on January 1, 1984.

(b) If any person disputes whether a fee or charge levied pursuant to subdivision (a) is reasonable, the board of supervisors may request the county auditor to conduct a study and to determine whether the fee or charge is reasonable.

Nothing in this subdivision shall be construed to mean that the county shall not continue to be subject to fee review procedures required by Article XIII B of the California Constitution.

(c) This chapter shall not apply to any of the following:

(1) Any fee charged or collected by a court clerk pursuant to ~~Section 26820.4, 26823, 26824, 26826, 26827, 26827.4, 26830, 72054, 72055, 72056, 72059, 72060, or 72061~~ Chapter 5.5 (commencing with Section 116.110) of Title 1 of Part 1 of the Code of Civil Procedure, Title 8 (commencing with Section 68070) of the Government Code, or Section 103470 of the Health and Safety Code, ~~and~~ or any other fee or charge that may be assessed, charged, collected, or levied pursuant to law for filing judicial documents or for other judicial functions.

(2) Any fees charged or collected pursuant to Chapter 2 (commencing with Section 6100) of Division 7 of Title 1.

1 (3) Any standby or availability assessment or charge.

2 (4) Any fee charged or collected by a county agricultural
3 commissioner.

4 (5) Any fee charged or collected pursuant to Article 2.1
5 (commencing with Section 12240) of Chapter 2 of Division 5 of
6 the Business and Professions Code.

7 (6) Any fee charged or collected by a county recorder or local
8 registrar for filing, recording, or indexing any document,
9 performing any service, issuing any certificate, or providing a
10 copy of any document pursuant to Section 2103 of the Code of
11 Civil Procedure, Section 27361, 27361.1, 27361.2, 27361.3,
12 27361.4, 27361.8, 27364, 27365, or 27366 of the Government
13 Code, Section 103625 of the Health and Safety Code, or Section
14 9525 of the Commercial Code.

15 (7) Any fee charged or collected pursuant to Article 7
16 (commencing with Section 26720) of Chapter 2 of Part 3 of
17 Division 2 of Title 3 of the Government Code.

18 *SEC. 110. Section 68084 of the Government Code is amended*
19 *to read:*

20 68084. ~~When~~ (a) If any money is deposited with the clerk or
21 judge of any *superior* court pursuant to any action or proceeding
22 in the court, or pursuant to any order, decree, or judgment of the
23 court, or when any money is to be paid to the ~~treasurer~~ *court to*
24 *be held in trust* pursuant to any provision of this title or the Code
25 of Civil Procedure, that money shall be deposited as soon as
26 practicable after the receipt thereof with the treasurer and a
27 duplicate receipt of the treasurer for it shall be filed with the
28 auditor. The certificate of the auditor that a duplicate receipt has
29 been filed is necessary before the clerk, judge, or party required
30 to deposit the money is entitled to a discharge of the obligation
31 imposed upon the clerk, judge, or party to make the deposit.

32 ~~When~~

33 (b) If any money so deposited *or paid* is to be withdrawn or
34 paid out, the order directing the payment or withdrawal shall
35 require the auditor to draw a warrant for it and the treasurer to
36 pay it. ~~In any city governed by a charter, such withdrawals shall~~
37 ~~be made pursuant to the charter.~~

38 ~~Notwithstanding any other provision of law, any municipal~~
39 ~~court, or marshal of that court, may elect, with prior approval of~~
40 ~~the county auditor, to deposit in a bank account or deposit in a~~

1 ~~savings and loan association pursuant to Section 53679 all~~
2 ~~moneys deposited with that court, or with the clerk thereof, or~~
3 ~~received by a marshal. All moneys received and disbursed~~
4 ~~through that account or on deposit shall be properly accounted~~
5 ~~for under those procedures the Controller may deem necessary,~~
6 ~~and shall be subject to periodic settlement with the county~~
7 ~~auditor as required by law.~~

8 *(c) This section does not apply to the following:*

9 *(1) Money collected under Chapter 5.8 (commencing with*
10 *Section 70600) on or after January 1, 2006.*

11 *(2) Fees and fines to which Section 68085.1 applies.*

12 *(3) Money deposited or held in a bank account established by*
13 *the Judicial Council under subdivision (a) of Section 77009.*

14 *(d) This section shall apply to money held in a court trust*
15 *account in a county treasury on or after January 1, 2006.*
16 *Commencing January 1, 2006, the Judicial Council may require*
17 *that money held in a court trust account in a county treasury be*
18 *deposited into an independent court bank account established*
19 *under subdivision (a) of Section 77009.*

20 *SEC. 111. Section 68084.1 is added to the Government Code,*
21 *to read:*

22 *68084.1. (a) Except as otherwise provided by law, any*
23 *money, excluding restitution to victims, that has been deposited*
24 *with a superior court, or that a superior court is holding in trust*
25 *for the lawful owner, in a court bank account or in a court trust*
26 *account in a county treasury, that remains unclaimed for three*
27 *years shall become the property of the superior court if, after*
28 *published notice pursuant to this section, the money is not*
29 *claimed or no verified complaint is filed and served.*

30 *(b) At any time after the expiration of the three-year period*
31 *specified in subdivision (a), the executive officer of the superior*
32 *court may cause a notice to be published once a week for two*
33 *successive weeks in a newspaper of general circulation published*
34 *in the county in which the court is located. The notice shall state*
35 *the amount of money, the fund in which it is held, and that it is*
36 *proposed that the money will become the property of the court on*
37 *a designated date not less than 45 days nor more than 60 days*
38 *after the first publication of the notice.*

39 *(c) Before or after publication, a party of interest may file a*
40 *claim with the court executive officer that shall include the*

1 claimant's name, address, amount of claim, the grounds on
2 which the claim is founded, and any other information that may
3 be required by the court executive officer. The claim shall be
4 filed before the designated date on which unclaimed money
5 becomes the property of the court as provided under subdivision
6 (b), and the executive officer shall accept or reject that claim.

7 (d) If the superior court executive officer rejects the claim, or
8 takes no action on the claim within 30 days after it is filed, the
9 party that submitted the claim may file a verified complaint
10 seeking to recover all, or a specified part, of the money in the
11 court in the county in which the notice is published. The copy of
12 the complaint and summons shall be served on the court
13 executive officer. The court executive officer shall withhold the
14 release of the portion of unclaimed money for which a court
15 action has been filed as provided in this section until the court
16 renders a decision or the claim is settled.

17 (e) Notwithstanding subdivisions (c) and (d), the court
18 executive officer may release the unclaimed money to the
19 depositor of the unclaimed money, or the depositor's heir,
20 beneficiary, or duly appointed representative, if the depositor or
21 the depositor's heir, beneficiary, or duly appointed
22 representative claims the money before the date that the money
23 becomes the property of the superior court, upon submitting
24 proof satisfactory to the court executive officer.

25 (f) If no claim is filed under subdivision (c) and the time for
26 filing claims has expired, the money shall become the property of
27 the court. If a claim or claims are filed with respect to a portion
28 of the money, but not the remainder of the money, and the time
29 for filing claims under subdivision (c) has expired, the remainder
30 of the money shall become the property of the court.

31 (g) Notwithstanding any other provision of this section, the
32 presiding judge may direct the transfer of any individual deposit
33 of twenty dollars (\$20) or less, or any amount if the name of the
34 original depositor is unknown, that remains unclaimed for one
35 year to the Trial Court Operations Fund without the need for
36 publication of notice.

37 (h) The court executive officer may delegate the
38 responsibilities provided in this section to appropriate superior
39 court staff.

1 *(i) When any money deposited and held under this section*
2 *becomes the property of a superior court, the presiding judge*
3 *shall transfer it to the Trial Court Operations Fund.*

4 SEC. 112. Section 68085 of the Government Code is amended
5 to read:

6 68085. (a) (1) There is hereby established the Trial Court
7 Trust Fund, the proceeds of which shall be apportioned at least
8 quarterly for the purpose of funding trial court operations, as
9 defined in Section 77003. Apportionment payments may not
10 exceed 30 percent of the total annual apportionment to the Trial
11 Court Trust Fund for state trial court funding in any 90-day
12 period.

13 (2) The apportionment payments shall be made by the
14 Controller. The final payment from the Trial Court Trust Fund
15 for each fiscal year shall be made on or before August 31 of the
16 subsequent fiscal year.

17 (3) If apportionment payments are made on a quarterly basis,
18 the payments shall be on July 15, October 15, January 15, and
19 April 15. In addition to quarterly payments, a final payment from
20 the Trial Court Trust Fund for each fiscal year may be made on
21 or before August 31 of the subsequent fiscal year.

22 (4) Notwithstanding any other provision of law, in order to
23 promote statewide efficiency, the Judicial Council may authorize
24 the direct payment or reimbursement or both of actual costs from
25 the Trial Court Trust Fund or the Trial Court Improvement Fund
26 to fund administrative infrastructure within the Administrative
27 Office of the Courts, such as legal services, financial services,
28 information systems services, human resource services, and
29 support services, for one or more participating courts upon
30 appropriation of funding for these purposes in the annual Budget
31 Act. The amount of appropriations from the Trial Court
32 Improvement Fund under this subdivision may not exceed 20
33 percent of the amount deposited in the Trial Court Improvement
34 Fund pursuant to subdivision (a) of Section 77205. Upon prior
35 written approval of the Director of Finance, the Judicial Council
36 may also authorize an increase in any reimbursements or direct
37 payments in excess of the amount appropriated in the annual
38 Budget Act. For any increases in reimbursements or direct
39 payments within the fiscal year that exceed two hundred
40 thousand dollars (\$200,000), the Director of Finance shall

1 provide notification in writing of any approval granted under this
2 section, not less than 30 days prior to the effective date of that
3 approval, to the chairperson of the committee in each house of
4 the Legislature that considers appropriations, the chairpersons of
5 the committees and the appropriate subcommittees in each house
6 of the Legislature that consider the annual Budget Act, and the
7 Chairperson of the Joint Legislative Budget Committee, or not
8 sooner than whatever lesser time the Chairperson of the Joint
9 Legislative Budget Committee, or his or her designee, may in
10 each instance, determine. The direct payment or reimbursement
11 of costs from the Trial Court Trust Fund may be supported by the
12 reduction of a participating court's allocation from the Trial
13 Court Trust Fund to the extent that the court's expenditures for
14 the program are reduced and the court is supported by the
15 program. The Judicial Council shall provide the affected trial
16 courts with quarterly reports on expenditures from the Trial
17 Court Trust Fund incurred as authorized by this subdivision. The
18 Judicial Council shall establish procedures to provide for the
19 administration of this paragraph in a way that promotes the
20 effective, efficient, reliable, and accountable operation of the trial
21 courts.

22 (b) Notwithstanding any other provision of law, the fees listed
23 in subdivision (c) shall all be deposited upon collection in a
24 special account in the county treasury, and transmitted monthly
25 to the Controller for deposit in the Trial Court Trust Fund.

26 (c) (1) Except as specified in subdivision (d), this section
27 applies to all fees collected *on or before December 31, 2005*,
28 pursuant to Sections 631.3, 116.230, and 403.060 of the Code of
29 Civil Procedure and Sections 26820.4, 26823, 26826, 26826.01,
30 26827, 26827.4, 26830, 26832.1, 26833.1, 26835.1, 26836.1,
31 26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4,
32 26862, 27081.5, 68086, 72055, 72056, 72056.01, and 72060.

33 (2) *Notwithstanding any other provision of law, except as*
34 *specified in subdivision (d), this section applies to all fees and*
35 *finest collected on or before December 31, 2005, pursuant to*
36 *Sections 116.390, 116.570, 116.760, 116.860, 177.5, 491.150,*
37 *704.750, 708.160, 724.100, 1134, 1161.2, and 1218 of the Code*
38 *of Civil Procedure, Sections 26824, 26828, 26829, 26834, and*
39 *72059 of the Government Code, and Sections 166 and 1214.1 of*
40 *the Penal Code.*

(3) If any of the fees provided for in this subdivision are partially waived by court order, and the fee is to be divided between the Trial Court Trust Fund and any other fund, the amount of the partial waiver shall be deducted from the amount to be distributed to each fund in the same proportion as the amount of each distribution bears to the total amount of the fee.

~~(3) Any amounts transmitted by a county to the Controller for deposit into the Trial Court Trust Fund from fees collected pursuant to Section 27361 between January 1, 1998, and the effective date of this paragraph shall be credited against the total amount the county is required to pay to the state pursuant to paragraph (2) of subdivision (b) of Section 77201 for the 1997-98 fiscal year.~~

(d) This section does not apply to that portion of a filing fee collected pursuant to Section 26820.4, 26826, 26827, 72055, or 72056 ~~which~~ that is allocated for dispute resolution pursuant to Section 470.3 of the Business and Professions Code, the county law library pursuant to Section 6320 of the Business and Professions Code, the Judges' Retirement Fund pursuant to Section 26822.3, automated recordkeeping or conversion to micrographics pursuant to Sections 26863 and 68090.7, and courthouse financing pursuant to Section 76238. This section also does not apply to fees collected pursuant to subdivisions (a) and (c) of Section 27361.

(e) This section applies to all payments required to be made to the State Treasury by any county or city and county pursuant to Section 77201, 77201.1, or 77205.

(f) Notwithstanding any other provision of law, no agency may take action to change the amounts allocated to any of the funds described in subdivision (a), (b), (c), or (d).

~~(g) Before making any apportionments under this section, the Controller shall deduct, from the annual appropriation for that purpose,~~ *The Judicial Council shall reimburse the Controller for* the actual administrative costs that will be incurred under this section. Costs reimbursed under this section shall be determined on an annual basis in consultation with the Judicial Council.

(h) Any amounts required to be transmitted by a county or city and county to the state pursuant to this section shall be remitted to the Controller no later than 45 days after the end of the month in which the fees were collected. This remittance shall be

1 accompanied by a remittance advice identifying the collection
2 month and the appropriate account in the Trial Court Trust Fund
3 to which it is to be deposited. Any remittance that is not made by
4 the county or city and county in accordance with this section
5 shall be considered delinquent, and subject to the penalties
6 specified in this section.

7 (i) Upon receipt of any delinquent payment required pursuant
8 to this section, the Controller shall calculate a penalty on any
9 delinquent payment by multiplying the amount of the delinquent
10 payment at a daily rate equivalent to 1 ½ percent per month for
11 the number of days the payment is delinquent. Notwithstanding
12 Section 77009, any penalty on a delinquent payment that a court
13 is required to reimburse to a county's general fund pursuant to
14 this section and Section 24353 shall be paid from the Trial Court
15 Operations Fund for that court.

16 (j) Penalty amounts calculated pursuant to subdivision (i) shall
17 be paid by the county to the Trial Court Trust Fund no later than
18 45 days after the end of the month in which the penalty was
19 calculated.

20 (k) The Trial Court Trust Fund shall be invested in the Surplus
21 Money Investment Fund and all interest earned shall be allocated
22 to the Trial Court Trust Fund ~~semiannually~~ *quarterly* and shall be
23 allocated among the courts in accordance with the requirements
24 of subdivision (a). The specific allocations shall be specified by
25 the Judicial Council.

26 (l) It is the intent of the Legislature that the revenues required
27 to be deposited into the Trial Court Trust Fund be remitted as
28 soon after collection by the courts as possible.

29 (m) *Except for subdivisions (a) and (k), this section does not*
30 *apply to fees and fines that are listed in subdivision (a) of Section*
31 *68085.1 that are collected on or after January 1, 2006.*

32 *SEC. 113. Section 68085.1 is added to the Government Code,*
33 *to read:*

34 *68085.1. (a) This section applies to all fees and fines that are*
35 *collected on or after January 1, 2006, under all of the following:*

36 *(1) Sections 177.5, 209, 403.060, 491.150, 631.3, 683.150,*
37 *704.750, 708.160, 724.100, 1134, 1161.2, and 1218 of*
38 *subdivision (g) of Section 411.20 and subdivision (g) of Section*
39 *422.21 of, and Chapter 5.5 (commencing with Section 116.110)*
40 *of Title 1 of Part 1 of, the Code of Civil Procedure.*

1 (2) *Section 31622 of the Food and Agricultural Code.*

2 (3) *Sections 68086 and 68086.1, subdivision (d) of Section*
3 *68511.3, Section 68926.1 of, and Chapter 5.8 (commencing with*
4 *Section 70600) of, this code.*

5 (4) *Section 103470 of the Health and Safety Code.*

6 (5) *Subdivisions (b) and (c) of Section 166 and Section 1214.1*
7 *of the Penal Code.*

8 (6) *Sections 1835, 1851.5, 2343, 7660, and 13201 of the*
9 *Probate Code.*

10 (7) *Sections 14607.6, 16373, and 40230 of the Vehicle Code.*

11 (8) *Section 71386 of this code and Section 1513.1 of the*
12 *Probate Code, if the reimbursement is for expenses incurred by*
13 *the court.*

14 (b) *On and after January 1, 2006, each superior court shall*
15 *deposit the fees and fines listed in subdivision (a), as soon as*
16 *practicable after collection and on a regular basis, into a bank*
17 *account established for this purpose by the Administrative Office*
18 *of the Courts. The deposits shall be made as required by rules*
19 *adopted by, or financial policies and procedures authorized by,*
20 *the Judicial Council under subdivision (a) of Section 77206.*
21 *Within 15 days after the end of the month in which the fees and*
22 *fines are collected, each court shall provide the Administrative*
23 *Office of the Courts with a report of the fees by categories as*
24 *specified by the Administrative Office of the Courts. The fees and*
25 *fines listed in subdivision (a) shall be distributed as provided in*
26 *this section.*

27 (c) (1) *Within 45 calendar days after the end of the month in*
28 *which the fees and fines listed in subdivision (a) are collected,*
29 *the Administrative Office of the Courts shall make the following*
30 *distributions:*

31 (A) *To the small claims advisory services, as described in*
32 *subdivision (f) of Section 116.230 of the Code of Civil Procedure.*

33 (B) *To dispute resolution programs, as described in*
34 *subdivision (b) of Section 68085.3 and subdivision (b) of Section*
35 *68085.4.*

36 (C) *To the county law library funds, as described in Section*
37 *116.760 of the Code of Civil Procedure, subdivision (b) of*
38 *Section 68085.3, subdivision (b) of Section 68085.4, and Section*
39 *70621 of this code, and Section 14607.6 of the Vehicle Code.*

1 (D) To the courthouse construction funds in the Counties of
2 Riverside, San Bernardino, and San Francisco, as described in
3 Sections 70622, 70624, and 70625.

4 (2) If any distribution under this subdivision is delinquent, the
5 Administrative Office of the Courts shall add a penalty to the
6 distribution as specified in subdivision (i).

7 (d) Within 45 calendar days after the end of the month in
8 which the fees and fines listed in subdivision (a) are collected,
9 the amounts remaining after the distributions in subdivision (c)
10 shall be transmitted to the State Treasury for deposit in the Trial
11 Court Trust Fund and other funds as required by law. This
12 remittance shall be accompanied by a remittance advice
13 identifying the collection month and the appropriate account in
14 the Trial Court Trust Fund or other fund to which it is to be
15 deposited. Upon the receipt of any delinquent payment required
16 under this subdivision, the Controller shall calculate a penalty as
17 provided under subdivision (i).

18 (e) From the money transmitted to the State Treasury under
19 subdivision (d), the Controller shall make deposits as follows:

20 (1) Into the State Court Facilities Construction Fund, the
21 Judges' Retirement Fund, and the Equal Access Fund, as
22 described in subdivision (c) of Section 68085.3 and subdivision
23 (c) of Section 68085.4.

24 (2) Into the Health Statistics Special Fund, as described in
25 subdivision (b) of Section 70670 of this code and Section 103730
26 of the Health and Safety Code.

27 (3) Into the Family Law Trust Fund, as described in Section
28 70674.

29 (4) The remainder of the money shall be deposited into the
30 Trial Court Trust Fund.

31 (f) The amounts collected by each superior court under
32 Section 116.232, subdivision (g) of Section 411.20, and
33 subdivision (g) of Section 411.21 of the Code of Civil Procedure,
34 subdivision (d) of Section 68511.3 and Sections 68926.1,
35 69953.5, 70627, 70631, 70640, 70661, 70678, and 71386 of this
36 code, and Sections 1513.1, 1835, 1851.5, and 2343 of the
37 Probate Code, shall be added to the monthly apportionment for
38 that court under subdivision (a) of Section 68085.

39 (g) If any of the fees provided in subdivision (a) are partially
40 waived by court order or otherwise reduced, and the fee is to be

1 *divided between the Trial Court Trust Fund and any other fund*
 2 *or account, the amount of the reduction shall be deducted from*
 3 *the amount to be distributed to each fund in the same proportion*
 4 *as the amount of each distribution bears to the total amount of*
 5 *the fee. If the fee is paid by installment payments, the amount*
 6 *distributed to each fund or account from each installment shall*
 7 *bear the same proportion to the installment payment as the full*
 8 *distribution to that fund or account does to the full fee.*

9 *(h) Except as provided in Sections 470.5 and 6322.1 of the*
 10 *Business and Professions Code, and Sections 70622, 70624, and*
 11 *70625 of this code, no agency may take action to change the*
 12 *amounts allocated to any of the funds described in subdivision*
 13 *(c), (d), or (e).*

14 *(i) The amount of the penalty on any delinquent payment*
 15 *under subdivision (c) or (d) shall be calculated by multiplying*
 16 *the amount of the delinquent payment at a daily rate equivalent*
 17 *to 1½ percent per month for the number of days the payment is*
 18 *delinquent. The penalty shall be paid from the Trial Court Trust*
 19 *Fund.*

20 *(j) If a delinquent payment under subdivision (c) or (d) results*
 21 *from a delinquency by a superior court under subdivision (b), the*
 22 *court shall reimburse the Trial Court Trust Fund for the amount*
 23 *of the penalty. Notwithstanding Section 77009, any penalty on a*
 24 *delinquent payment that a court is required to reimburse*
 25 *pursuant to this section shall be paid from the court operations*
 26 *fund for that court. The penalty shall be paid by the court to the*
 27 *Trial Court Trust Fund no later than 45 days after the end of the*
 28 *month in which the penalty was calculated. If the penalty is not*
 29 *paid within the specified time, the Administrative Office of the*
 30 *Courts may reduce the amount of a subsequent monthly*
 31 *allocation to the court by the amount of the penalty on the*
 32 *delinquent payment.*

33 *SEC. 114. Section 68085.2 is added to the Government Code,*
 34 *to read:*

35 *68085.2. (a) Notwithstanding Section 77201.1, commencing*
 36 *with the 2005-06 fiscal year, the amount of each county's annual*
 37 *remittance to the Trial Court Trust Fund under paragraph (2) of*
 38 *subdivision (b) of Section 77201.1 shall be reduced by the*
 39 *amount determined under this section. In the 2005-06 fiscal*
 40 *year, the remittance shall be reduced by one-half the amount*

1 *determined in subdivision (b). In the 2006–07 fiscal year and*
2 *thereafter, the remittance shall be reduced in each fiscal year by*
3 *the full amount determined in subdivision (b).*

4 *(b) The amount of the reduction under this section for each*
5 *county shall be the actual receipts into the county general fund*
6 *for retention by the county for civil fees under Sections 26823,*
7 *26827.4, 26830, 26832, 26832.1, 26833.1, 26835.1, 26836.1,*
8 *26837.1, 26838, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4,*
9 *and 72060 of this code and Section 116.230 of the Code of Civil*
10 *Procedure for the fiscal year ending June 30, 2004. This*
11 *reduction is intended to compensate the counties for the loss of*
12 *the revenue, as measured by receipts for the 2003–04 fiscal year,*
13 *that was allocated to them from these fees by statute before*
14 *January 1, 2006.*

15 *(c) In each county, the superior court and the county shall*
16 *exchange relevant information to determine the amount of*
17 *reduction they believe is correct under subdivision (b) and jointly*
18 *report it to the California State Association of Counties (CSAC)*
19 *and the Administrative Office of the Courts (AOC) on or before*
20 *January 1, 2006. If the superior court and the county do not*
21 *agree on the amount, the superior court and the county shall*
22 *each report the amount it believes is correct to the CSAC and the*
23 *AOC on or before January 1, 2006.*

24 *(d) The AOC and the CSAC shall agree on the amount of the*
25 *reduction for each county on or before January 1, 2006. If a*
26 *court or county disagrees with the amount agreed to by the AOC*
27 *and the CSAC for that county, the court or county may appeal to*
28 *the AOC and the CSAC for an adjustment. The CSAC and the*
29 *AOC shall determine whether to make any requested adjustment.*

30 *(e) If the CSAC and the AOC do not agree on the amount of*
31 *the reduction for a county, they may request a mutually*
32 *agreed-upon third party to arbitrate and determine the amount.*
33 *The amount shall be determined by March 1, 2006.*

34 *SEC. 115. Section 68085.3 is added to the Government Code,*
35 *to read:*

36 *68085.3. (a) Fees collected under Sections 70611, 70612,*
37 *70650, 70651, 70652, 70653, 70655, and 70670 shall be*
38 *deposited in a bank account established by the Administrative*
39 *Office of the Courts for deposit of fees collected by the courts.*

1 **(b)** For each three hundred twenty dollar (\$320) fee listed in
2 subdivision (a), and each fee listed in paragraphs (2) to (9),
3 inclusive, of subdivision (a) of Section 70650, the Administrative
4 Office of the Courts shall distribute specified amounts in each
5 county as follows:

6 **(1)** To the county law library fund, the amount described in
7 Sections 6321 and 6322.1 of the Business and Professions Code.

8 **(2)** To the account to support dispute resolution programs, the
9 amount described in Section 470.5 of the Business and
10 Professions Code.

11 **(c)** The remainder of the fees in subdivision (a) shall be
12 transmitted monthly to the Treasurer for deposit. For each three
13 hundred twenty dollar (\$320) fee listed in subdivision (a), and
14 each fee listed in paragraphs (2) to (9), inclusive, of subdivision
15 (a) of Section 70650, the Controller shall make deposits as
16 follows:

17 **(1)** To the State Court Facilities Construction Fund, as
18 provided in Article 6 (commencing with Section 70371) of
19 Chapter 5.7, thirty-five dollars (\$35).

20 **(2)** To the Judges' Retirement Fund, as established in Section
21 75100, two dollars and fifty cents (\$2.50).

22 **(3)** To the Trial Court Trust Fund for use as part of the Equal
23 Access Fund program administered by the Judicial Council, four
24 dollars and eighty cents (\$4.80).

25 **(4)** To the Trial Court Trust Fund, as provided in Section
26 68085.1, the remainder of the fee.

27 **(d)** If any of the fees listed in subdivision (a) are reduced or
28 partially waived, the amount of the reduction or partial waiver
29 shall be deducted from the amount to be distributed to each fund
30 or account in the same proportion as the amount of each
31 distribution bears to the total amount of the fee.

32 **(e)** As used in this section, "law library fund" includes a law
33 library account described in Section 6320 of the Business and
34 Professions Code.

35 SEC. 116. Section 68085.4 is added to the Government Code,
36 to read:

37 68085.4. (a) Fees collected under Sections 70613, 70614,
38 70654, 70656, and 70658 shall be deposited in a bank account
39 established by the Administrative Office of the Courts for deposit
40 of fees collected by the courts.

1 (b) For each three hundred dollar (\$300) fee and each one
2 hundred eighty dollar (\$180) fee listed in subdivision (a), the
3 Administrative Office of the Courts shall distribute specified
4 amounts in each county as follows:

5 (1) To the county law library fund, the amount described in
6 Sections 6321 and 6322.1 of the Business and Professions Code.

7 (2) To the account to support dispute resolution programs, the
8 amount described in Section 470.5 of the Business and
9 Professions Code.

10 (c) The remainder of the fees in subdivision (a) shall be
11 transmitted monthly to the Treasurer for deposit. For each three
12 hundred dollar (\$300) fee and each one hundred eighty dollar
13 (\$180) fee listed in subdivision (a), the Controller shall make
14 deposits as follows:

15 (1) To the State Court Facilities Construction Fund, as
16 provided in Article 6 (commencing with Section 70371) of
17 Chapter 5.7, twenty-five dollars (\$25) if the fee is three hundred
18 dollars (\$300), and twenty dollars (\$20) if the fee is one hundred
19 eighty dollars (\$180).

20 (2) To the Judges' Retirement Fund, as established in Section
21 75100, two dollars and fifty cents (\$2.50).

22 (3) To the Trial Court Trust Fund for use as part of the Equal
23 Access Fund program administered by the Judicial Council, four
24 dollars and eighty cents (\$4.80).

25 (4) To the Trial Court Trust Fund, as provided in Section
26 68085.1, the remainder of the fee.

27 (d) If any of the fees listed in subdivision (a) are reduced or
28 partially waived, the amount of the reduction or partial waiver
29 shall be deducted from the amount to be distributed to each fund
30 or account in the same proportion as the amount of each
31 distribution bears to the total amount of the fee.

32 (e) As used in this section, "law library fund" includes a law
33 library account described in Section 6320 of the Business and
34 Professions Code.

35 SEC. 117. Section 68086 of the Government Code is amended
36 to read:

37 68086. (a) The following provisions apply in superior court:

38 (1) In addition to any other fee required in civil actions or
39 cases, for each proceeding lasting more than one hour, a fee
40 equal to the actual cost of providing that service shall be charged

1 per one-half day of services to the parties, on a pro rata basis, for
2 the services of an official court reporter on the first and each
3 succeeding judicial day those services are provided pursuant to
4 Section 269 of the Code of Civil Procedure.

5 (2) All parties shall deposit their pro rata shares of these fees
6 with the clerk of the court as specified by the court, but not later
7 than the conclusion of each day's court session.

8 (3) For purposes of this section, "one-half day" means any
9 period of judicial time, in excess of one hour but not more than
10 four hours, during either the morning or afternoon court session.

11 ~~(4) In addition to the fees authorized by Sections 26820.4,~~
12 ~~26826, 72055, and 72056, a one-time fee of twenty-five dollars~~
13 ~~(\$25) for the cost of the services of an official court reporter shall~~
14 ~~be charged upon the filing of a first paper in a civil action or~~
15 ~~proceeding in the superior court, unless the amount demanded,~~
16 ~~excluding attorney's fees and costs, is ten thousand dollars~~
17 ~~(\$10,000) or less. No additional fee shall be charged to a party~~
18 ~~for the cost of the services of an official court reporter in~~
19 ~~proceedings lasting one hour or less.~~

20 ~~(5)~~

21 (4) The costs for the services of the official court reporter shall
22 be recoverable as taxable costs by the prevailing party as
23 otherwise provided by law.

24 ~~(6)~~

25 (5) The Judicial Council shall adopt rules to ensure all of the
26 following:

27 (A) That parties are given adequate and timely notice of the
28 availability of an official court reporter.

29 (B) That if an official court reporter is not available, a party
30 may arrange for the presence of a certified shorthand reporter to
31 serve as an official pro tempore reporter, the costs therefore
32 recoverable as provided in paragraph~~(5)~~ (4).

33 (C) That if the services of an official pro tempore reporter are
34 utilized pursuant to subparagraph (B), no other charge will be
35 made to the parties.

36 (b) The fees collected pursuant to this section shall be used
37 only to pay the cost for services of an official court reporter in
38 civil proceedings.

39 (c) The Judicial Council shall report on or before February 1
40 of each year to the Joint Legislative Budget Committee on the

1 total fees collected and the total amount spent for official court
2 reporter services in civil proceedings in the prior fiscal year.

3 *SEC. 118. Section 68086.1 is added to the Government Code,*
4 *to read:*

5 *68086.1. (a) Commencing January 1, 2006, for each three*
6 *hundred twenty dollar (\$320) fee collected under any of the*
7 *sections listed in subdivision (a) of Section 68085.3 and each fee*
8 *collected under paragraphs (2) to (9), inclusive, of subdivision*
9 *(a) of Section 70650, twenty-five dollars (\$25) of the amount*
10 *distributed to the Trial Court Trust Fund shall be used for court*
11 *reporter services in civil proceedings.*

12 *(b) Commencing January 1, 2006, for each three hundred*
13 *dollar (\$300) fee collected under any of the sections listed in*
14 *subdivision (a) of Section 68085.4, twenty-five dollars (\$25) of*
15 *the amount distributed to the Trial Court Trust Fund shall be*
16 *used for court reporter services in civil proceedings.*

17 *SEC. 119. Section 68087 of the Government Code is*
18 *repealed.*

19 ~~68087. (a) A state surcharge of 10 percent shall be levied on~~
20 ~~any fee specified in paragraph (1) of subdivision (c) of Section~~
21 ~~68085, except those fees established pursuant to Section 631.3 of~~
22 ~~the Code of Civil Procedure, and Section 68086. This surcharge~~
23 ~~shall be in addition to any other court-related fee.~~

24 ~~(b) The clerk of the court shall cause the amount collected to~~
25 ~~be transmitted to the Trial Court Trust Fund.~~

26 ~~(c) It is the intent of the Legislature that nothing in this section~~
27 ~~shall change the existing distribution or amounts of the fees~~
28 ~~specified in paragraph (1) of subdivision (c) of Section 68085~~
29 ~~provided to local jurisdictions and the state.~~

30 ~~(d) This section shall become inoperative on July 1, 2007, and~~
31 ~~as of January 1, 2008, is repealed, unless a later enacted statute,~~
32 ~~that becomes operative on or before January 1, 2008, deletes or~~
33 ~~extends that date.~~

34 *SEC. 120. Section 68087.1 of the Government Code is*
35 *repealed.*

36 ~~68087.1. The total amount collected pursuant to paragraph (1)~~
37 ~~of subdivision (c) of Section 68085 and the state surcharge~~
38 ~~imposed by Section 68087 may be rounded up to the nearest~~
39 ~~whole dollar. The clerk of the court shall cause the amount~~

1 collected pursuant to this section to be transmitted to the Trial
2 Court Trust Fund.

3 *SEC. 121. Section 68090.7 of the Government Code is*
4 *repealed.*

5 ~~68090.7. In any county that has established a fee pursuant to~~
6 ~~Sections 26863 and 72054, the fee shall only apply to the~~
7 ~~following filings in each civil action or proceeding:~~

8 ~~(a) The first paper and papers transmitted from another court,~~
9 ~~as specified in Sections 26820.4 and 72055.~~

10 ~~(b) The first paper on behalf of an adverse party, as specified~~
11 ~~in Sections 26826 and 72056.~~

12 ~~(c) A petition or other paper in a probate, guardianship, or~~
13 ~~conservatorship matter as specified by Section 26827.~~

14 ~~The fee shall not apply to adoptions, appeals to the appellate~~
15 ~~division of the superior court, or motions.~~

16 ~~Except as otherwise specified by law, all fees collected under~~
17 ~~this section shall be deposited into the trial court operations fund~~
18 ~~of the county established pursuant to Section 77009, and an~~
19 ~~amount equal thereto shall be used exclusively to pay the costs of~~
20 ~~automating the court clerk and trial court recordkeeping system~~
21 ~~or converting the trial court document system to micrographics,~~
22 ~~or both.~~

23 *SEC. 122. Section 68090.8 of the Government Code is*
24 *amended to read:*

25 68090.8. (a) (1) The Legislature finds that the management
26 of civil and criminal cases, including traffic cases, and the
27 accounting for funds in the trial courts requires these courts to
28 implement appropriate levels of automation.

29 (2) The purpose of this section is to make a fund available for
30 the development of *automated systems, including* automated
31 accounting, automated data collection through case management
32 systems, and automated case-processing systems for the trial
33 courts, together with funds to train operating personnel, and for
34 the maintenance and enhancement of the systems.

35 (3) Automated data collection shall provide the foundation for
36 planning, research, and evaluation programs that are generated
37 from within and outside of the judicial branch. This system shall
38 be a resource to the courts, the Judicial Council and its
39 committees, the Administrative Office of the Courts, the
40 Legislature, the Governor, and the public. During the

1 developmental stage and prior to the implementation of the
2 system, the Legislature shall make recommendations to the
3 Judicial Council as to the breadth and level of detail of the data to
4 be collected.

5 (b) Prior to making any other required distribution, the county
6 treasurer shall transmit 2 percent of all fines, penalties, and
7 forfeitures collected in criminal cases, including, but not limited
8 to, moneys collected pursuant to Chapter 12 (commencing with
9 Section 76000) of Title 8 of this code, Section 13003 of the Fish
10 and Game Code, Section 11502 of the Health and Safety Code,
11 and Chapter 1 (commencing with Section 1427) of Title 11 of
12 Part 2 of the Penal Code, into the Trial Court Improvement Fund
13 established pursuant to Section 77209, to be used exclusively to
14 pay the costs of ~~automating trial court recordkeeping systems~~
15 *automated systems for the trial courts, as described in paragraph*
16 *(2) of subdivision (a).* These systems shall meet Judicial Council
17 performance standards, including production of reports as needed
18 by the state, the counties, and local governmental entities.

19 *SEC. 123. Section 68101 of the Government Code is amended*
20 *to read:*

21 68101. (a) Whenever pursuant to law the state is entitled to
22 receive any portion of any money, forfeited bail or fines received
23 by a judge of any court, that portion shall as soon as practicable
24 after the receipt thereof, be deposited with the county treasurer of
25 the county in which that court is situated, and paid, by warrant of
26 the county auditor drawn upon a requisition of the clerk or judge
27 of the court, at least once a month to the Treasurer to be
28 deposited in the State Treasury. Any remittance not made
29 pursuant to this section or Section 24353 shall be considered
30 delinquent and subject to Section 68085.

31 ~~Any~~

32 (b) *Any* judge imposing or collecting those fines or forfeitures
33 shall keep a record of them and at least monthly transmit a record
34 thereof to the county auditor. The county auditor shall transmit a
35 record of the imposition, collection and payment of such fines or
36 forfeitures to the Controller at the time of transmittal of each
37 warrant to the Treasurer pursuant to this section.

38 (c) *Commencing January 1, 2006, this section does not apply*
39 *to money collected under Chapter 5.8 (commencing with Section*
40 *70600) or fees and fines to which Section 68085.1 applies.*

1 *SEC. 124. Section 68511.3 of the Government Code is*
2 *amended to read:*

3 68511.3. (a) The Judicial Council shall formulate and adopt
4 uniform forms and rules of court for litigants proceeding in
5 forma pauperis. These rules shall provide for all of the following:

6 (1) Standard procedures for considering and determining
7 applications for permission to proceed in forma pauperis,
8 including, in the event of a denial of permission, a written
9 statement detailing the reasons for denial and an evidentiary
10 hearing where there is a substantial evidentiary conflict.

11 (2) Standard procedures to toll relevant time limitations when
12 a pleading or other paper accompanied by the application is
13 timely lodged with the court and delay is caused due to the
14 processing of the application to proceed in forma pauperis.

15 (3) Proceeding in forma pauperis at every stage of the
16 proceedings at both the appellate and trial levels of the court
17 system.

18 (4) The confidentiality of the financial information provided to
19 the court by these litigants.

20 (5) That the court may authorize the clerk of the court, county
21 financial officer, or other appropriate county officer to make
22 reasonable efforts to verify the litigant's financial condition
23 without compromising the confidentiality of the application.

24 (6) That permission to proceed in forma pauperis be granted to
25 all of the following:

26 (A) Litigants who are receiving benefits pursuant to the
27 Supplemental Security Income (SSI) and State Supplemental
28 Payments (SSP) programs (Sections 12200 to 12205, inclusive,
29 of the Welfare and Institutions Code), the California Work
30 Opportunity and Responsibility to Kids Act (CalWORKs)
31 program (Chapter 2 (commencing with Section 11200) of Part 3
32 of Division 9 of the Welfare and Institutions Code), the Food
33 Stamp program (7 U.S.C. Sec. 2011 et seq.), or Section 17000 of
34 the Welfare and Institutions Code.

35 (B) Litigants whose monthly income is 125 percent or less of
36 the current monthly poverty line annually established by the
37 Secretary of Health and Human Services pursuant to the
38 Omnibus Budget Reconciliation Act of 1981, as amended.

39 (C) Other persons when in the court's discretion, this
40 permission is appropriate because the litigant is unable to

1 proceed without using money which is necessary for the use of
2 the litigant or the litigant's family to provide for the common
3 necessities of life.

4 (b) (1) Litigants who apply for permission to proceed in
5 forma pauperis pursuant to subparagraph (A) of paragraph (6) of
6 subdivision (a) shall declare under penalty of perjury that they
7 are receiving the benefits and may voluntarily provide the court
8 with their date of birth and social security number or their
9 Medi-Cal identification number to permit the court to verify the
10 applicant's receipt of public assistance. The court may require
11 any applicant, except a defendant in an unlawful detainer action,
12 who chooses not to disclose his or her social security number for
13 verification purposes to attach to the application documentation
14 of benefits to support the claim and all other financial
15 information on a form promulgated by the Judicial Council for
16 this purpose.

17 (2) Litigants who apply for permission to proceed in forma
18 pauperis pursuant to subparagraph (B) or (C) of paragraph (6) of
19 subdivision (a) shall file a financial statement under oath on a
20 form promulgated by, and pursuant to rules adopted by, the
21 Judicial Council.

22 (c) The forms and rules adopted by the Judicial Council shall
23 provide for the disclosure of the following information about the
24 litigant:

25 (1) Current street address.

26 (2) Occupation and employer.

27 (3) Monthly income and expenses.

28 (4) Address and value of any real property owned directly or
29 beneficially.

30 (5) Personal property with a value that exceeds five hundred
31 dollars (\$500).

32 The information furnished by the litigant shall be used by the
33 court in determining his or her ability to pay all or a portion of
34 the fees and costs.

35 (d) At any time after the court has granted a litigant
36 permission to proceed in forma pauperis and prior to final
37 disposition of the case, the clerk of the court, county financial
38 officer, or other appropriate county officer may notify the court
39 of any changed financial circumstances which may enable the
40 litigant to pay all or a portion of the fees and costs which had

1 been waived. The court may authorize the clerk of the court,
2 county financial officer, or other appropriate county officer to
3 require the litigant to appear before and be examined by the
4 person authorized to ascertain the validity of their indigent status.
5 However, no litigant shall be required to appear more than once
6 in any four-month period. A litigant proceeding in forma
7 pauperis shall notify the court within five days of any settlement
8 or monetary consideration received in settlement of this litigation
9 and of any other change in financial circumstances that affects
10 the litigant's ability to pay court fees and costs. After the litigant
11 either (1) appears before and is examined by the person
12 authorized to ascertain the validity of his or her indigent status or
13 (2) notifies the court of a change in financial circumstances, the
14 court may then order the litigant to pay to the county the sum and
15 in any manner the court believes is compatible with the litigant's
16 financial ability.

17 In any action or proceeding in which the litigant whose fees
18 and costs have been waived would have been entitled to recover
19 those fees and costs from another party to the action or
20 proceeding had they been paid, the court may assess the amount
21 of the waived fees and costs against the other party and order the
22 other party to pay that sum to the county or to the clerk and
23 serving and levying officers respectively, or the court may order
24 the amount of the waived fees and costs added to the judgment
25 and so identified by the clerk.

26 Execution may be issued on any order provided for in this
27 subdivision in the same manner as on a judgment in a civil
28 action. When an amount equal to the sum due and payable to the
29 clerk has been collected upon the judgment, these amounts shall
30 be remitted to the clerk within 30 days. Thereafter, when an
31 amount equal to the sum due to the serving and levying officers
32 has been collected upon the judgment, these amounts shall be due
33 and payable to those officers and shall be remitted within 30
34 days. If the remittance is not received by the clerk within 30 days
35 or there is a filing of a partial satisfaction of judgment in an
36 amount at least equal to the fees and costs payable to the clerk or
37 a satisfaction of judgment has been filed, notwithstanding any
38 other provision of law, the court may issue an abstract of
39 judgment, writ of execution, or both for recovery of those sums,
40 plus the fees for issuance and execution and an additional fee for

1 administering this section. ~~The county board of supervisors~~
2 ~~court~~ shall establish a fee, not to exceed actual costs of
3 administering this subdivision and in no case exceeding
4 twenty-five dollars (\$25), which shall be added to the writ of
5 execution.

6 (e) Notwithstanding subdivision (a), a person who is sentenced
7 to imprisonment in a state prison or confined in a county jail and,
8 during the period of imprisonment or confinement, files a civil
9 action or notice of appeal of a civil action in forma pauperis shall
10 be required to pay the full amount of the filing fee to the extent
11 provided in this subdivision.

12 (1) In addition to the form required by this section for filing in
13 forma pauperis, an inmate shall file a copy of a statement of
14 account for any sums due to the inmate for the six-month period
15 immediately preceding the filing of the civil action or notice of
16 appeal of a civil action. This copy shall be certified by the
17 appropriate official of the Department of Corrections or a county
18 jail.

19 (2) Upon filing the civil action or notice of appeal of a civil
20 action, the court shall assess, and when funds exist, collect, as a
21 partial payment of any required court fees, an initial partial filing
22 fee of 20 percent of the greater of one of the following:

23 (A) The average monthly deposits to the inmate's account.

24 (B) The average monthly balance in the inmate's account for
25 the six-month period immediately preceding the filing of the civil
26 action or notice of appeal.

27 (3) After payment of the initial partial filing fee, the inmate
28 shall be required to make monthly payments of 20 percent of the
29 preceding month's income credited to the inmate's account. The
30 Department of Corrections shall forward payments from this
31 account to the clerk of the court each time the amount in the
32 account exceeds ten dollars (\$10) until the filing fees are paid.

33 (4) In no event shall the filing fee collected pursuant to this
34 subdivision exceed the amount of fees permitted by law for the
35 commencement of a civil action or an appeal of a civil action.

36 (5) In no event shall an inmate be prohibited from bringing a
37 civil action or appeal of a civil action solely because the inmate
38 has no assets and no means to pay the initial partial filing fee.

39 *SEC. 125. Section 68926.1 of the Government Code is*
40 *amended to read:*

1 68926.1. (a) Upon filing a notice of appeal for which a fee is
2 paid pursuant to Section 68926, the appellant shall deposit the
3 sum of one hundred dollars (\$100) with the clerk of the
4 originating court. The deposit shall be credited against the
5 amount chargeable for the preparation of the clerk's transcript or
6 any other appeal processing or notification.

7 The deposit shall be forfeited in the event of abandonment or
8 dismissal of appeal prior to filing of the record in the reviewing
9 court.

10 *The amount charged for preparation of the transcript or any*
11 *deposit that is forfeited shall be distributed to the court in which*
12 *it was collected.*

13 (b) Upon filing a notice of appeal, a petition for a writ, or a
14 petition for a hearing for which a fee is paid pursuant to Section
15 68926 or 68927, the appellant shall pay an additional fee in the
16 amount of one hundred seventy dollars (\$170). The fees collected
17 pursuant to this subdivision shall be transmitted to the State
18 Treasury for deposit in the Appellate Court Trust Fund.

19 *SEC. 126. Section 69926.5 of the Government Code is*
20 *repealed.*

21 ~~69926.5. (a) To ensure and maintain adequate funding for~~
22 ~~court security, a surcharge of twenty dollars (\$20) is added to the~~
23 ~~total fee collected pursuant to Section 26820.4, 26826, 26827,~~
24 ~~72055, or 72056.~~

25 ~~(b) In addition to the surcharge in subdivision (a), a surcharge~~
26 ~~of twenty dollars (\$20) is added to the total filing fee collected in~~
27 ~~a case pursuant to Section 26820.4, 26826, or 26827, a surcharge~~
28 ~~of twenty dollars (\$20) is added to the total filing fee collected in~~
29 ~~a limited civil case pursuant to Section 72055 or 72056 where the~~
30 ~~amount demanded, excluding attorney's fees and costs, is in~~
31 ~~excess of ten thousand dollars (\$10,000), and a surcharge of ten~~
32 ~~dollars (\$10) is added to the total filing fee collected in a limited~~
33 ~~civil case pursuant to Section 72055 or 72056 where the amount~~
34 ~~demand, excluding attorney's fees and costs, is ten thousand~~
35 ~~dollars (\$10,000), or less. The surcharges in this subdivision shall~~
36 ~~be collected in cases filed from January 1, 2004, to June 30,~~
37 ~~2005, inclusive. The purpose of this surcharge is to stabilize~~
38 ~~funding for court security at the current level and is not intended~~
39 ~~to increase the funding available for court security in the~~
40 ~~2004-05 fiscal year. This subdivision shall become inoperative~~

1 on July 1, 2005, or upon the enactment of a uniform filing fee,
2 whichever is earlier.

3 ~~(c) Notwithstanding any other provision of law, the surcharges~~
4 ~~collected pursuant to subdivisions (a) and (b) shall all be~~
5 ~~deposited in a special account in the county treasury, and~~
6 ~~transmitted therefrom monthly to the Controller for deposit in the~~
7 ~~Trial Court Trust Fund.~~

8 *SEC. 127. Section 69953.5 of the Government Code is*
9 *amended to read:*

10 69953.5. Notwithstanding any other provision of law,
11 whenever a daily transcript is ordered in a civil case requiring the
12 services of more than one phonographic reporter, the party
13 requesting the daily transcript, in addition to any other required
14 fee, shall pay a fee per day, or portion thereof, equal to the per
15 diem rate for pro tempore reporters established by statute, local
16 rule, or ordinance for the services of each additional reporter for
17 the first day and each subsequent day the additional reporters are
18 required. *This fee shall be distributed to the court in which it was*
19 *collected to offset the cost of the additional reporter.*

20 *SEC. 128. Section 70373 of the Government Code is*
21 *repealed.*

22 ~~70373. (a) To provide additional funds for maintaining and~~
23 ~~expanding the uniform accessibility of the courts and judicial~~
24 ~~process throughout the state, the following surcharges are added~~
25 ~~to the total fee for filing the first paper by a party in the following~~
26 ~~actions:~~

27 ~~(1) A surcharge in all unlimited civil, family law, and probate~~
28 ~~actions, as follows:~~

29 ~~(A) Ten dollars (\$10) from January 1, 2003, through~~
30 ~~December 31, 2003.~~

31 ~~(B) Fifteen dollars (\$15) from January 1, 2004, through~~
32 ~~December 31, 2007.~~

33 ~~(2) A surcharge of twenty-five dollars (\$25) in all limited civil~~
34 ~~actions.~~

35 ~~(b) The clerk of the court shall collect the surcharge and~~
36 ~~transmit it to the county treasury. The county treasurer shall~~
37 ~~transmit the funds monthly to the State Controller, to be~~
38 ~~deposited in the State Court Facilities Construction Fund.~~
39 ~~Notwithstanding any other provision of law, the full amount of~~

1 ~~the surcharge collected shall be deposited as provided in this~~
2 ~~section.~~

3 *SEC. 129. Section 70373.5 of the Government Code is*
4 *repealed.*

5 ~~70373.5. (a) Notwithstanding paragraph (2) of subdivision~~
6 ~~(a) of Section 70373, a surcharge of eighteen dollars (\$18) shall~~
7 ~~be added to the first appearance fee in all limited civil actions in~~
8 ~~lieu of the twenty-five-dollar (\$25) fee provided by that section.~~

9 ~~(b) The surcharge provided for in this section and Section~~
10 ~~70373 are not subject to the percentage surcharge authorized by~~
11 ~~Section 68087.~~

12 ~~(c) This section shall become inoperative on July 1, 2007, and~~
13 ~~as of January 1, 2008, is repealed, unless a later enacted statute,~~
14 ~~that becomes operative on or before January 1, 2008, deletes or~~
15 ~~extends that date.~~

16 *SEC. 130. Section 70375 of the Government Code is amended*
17 *to read:*

18 70375. (a) This article shall take effect on January 1, 2003,
19 and the fund, penalty, and fee assessment established by this
20 article shall become operative on January 1, 2003, except as
21 otherwise provided in this article.

22 (b) In each county, the amount authorized by Section 70372
23 shall be reduced by the following:

24 (1) The amount collected for deposit into the local courthouse
25 construction fund established pursuant to Section 76100.

26 (2) The amount collected for transmission to the state for
27 inclusion in the Transitional State Court Facilities Construction
28 Fund established pursuant to Section 70401 to the extent it is
29 funded by money from the local courthouse construction fund.

30 (c) ~~The amount authorized by Section 70373 shall be reduced~~
31 ~~by the following in the following counties:~~

32 ~~(1) In the County of Riverside, the amount collected pursuant~~
33 ~~to Section 26826.1 of the Government Code for transmission to~~
34 ~~the state for inclusion in the Transitional State Court Facilities~~
35 ~~Construction Fund established pursuant to Section 70401.~~

36 ~~(2) In the County of San Bernardino, the amount collected~~
37 ~~pursuant to Section 76236 of the Government Code for~~
38 ~~transmission to the state for inclusion in the Transitional State~~
39 ~~Court Facilities Construction Fund established pursuant to~~
40 ~~Section 70401.~~

~~(3) In the City and County of San Francisco, the amount collected pursuant to Section 76238 of the Government Code for transmission to the state for inclusion in the Transitional State Court Facilities Construction Fund established pursuant to Section 70401.~~

~~(d)~~ The authority for all of the following shall expire proportionally as of the date of transfer of responsibility for facilities from the county to the Judicial Council, except so long as money is needed to pay for construction provided for in those sections and undertaken prior to the transfer of responsibility for facilities from the county to the Judicial Council:

(1) An additional penalty for a local courthouse construction fund established pursuant to Section 76100.

(2) A filing fee surcharge in the County of Riverside established pursuant to Section ~~26826.1~~ 70622.

(3) A filing fee surcharge in the County of San Bernardino established pursuant to Section ~~76236~~ 70624.

(4) A filing fee surcharge in the City and County of San Francisco established pursuant to Section ~~76238~~ 70625.

~~(e)~~

~~(d)~~ For purposes of subdivision ~~(d)~~ (c), the term “proportionally” means that proportion of the fee or surcharge that shall expire upon the transfer of responsibility for a facility that is the same proportion as the square footage that facility bears to the total square footage of court facilities in that county.

SEC. 131. Section 70402 of the Government Code is amended to read:

70402. (a) Any amount in either a county’s courthouse construction fund established by Section 76100, a fund established by Section ~~26826.1~~ 70622 in the County of Riverside, a fund established by Section ~~76236~~ 70624 in the County of San Bernardino, and a fund established by Section ~~76238~~ 70625 in the City and County of San Francisco, shall be transferred to the State Court Facilities Construction Fund at the later of the following:

(1) The date of the last transfer of responsibility for court facilities from the county to the Judicial Council or June 30, 2007, whichever is earlier.

(2) The date of the final payment of the bonded indebtedness for any court facility that is paid from that fund is retired.

(b) If the responsibility for one or more facilities does not transfer, the county's courthouse construction fund shall retain that portion of the total money in the fund as the square footage of the facilities that do not transfer bears to the total square footage of court facilities in that county.

SEC. 132. Chapter 5.8 (commencing with Section 70600) is added to Title 8 of the Government Code, to read:

CHAPTER 5.8. SUPERIOR COURT FEES

Article 1. Civil Fees Generally

70600. It is the intent of the Legislature to establish a uniform schedule of filing fees and other civil fees for the superior courts throughout the state. This chapter shall be known, and may be cited, as the Uniform Civil Fees and Standard Fee Schedule Act of 2005.

70601. (a) It is the intent of the Legislature to establish a moratorium on increases in filing fees until January 1, 2008. No fee provided for in this chapter may be changed before January 1, 2008, except as may be required by the following:

(1) Legislative implementation of recommendations of the Task Force on County Law Libraries.

(2) Legislative implementation of recommendations for changes to the graduated filing fee for petitions in probate proceedings under subdivision (a) of Section 70650.

(b) The Judicial Council shall establish a Task Force on Civil Fees, including, but not limited to, representatives from the trial courts, the counties, the county law libraries, and the State Bar. On or before February 1, 2007, the task force shall make recommendations to the Judicial Council and the Legislature on the following:

(1) The effectiveness of the uniform fee structure, any operational or revenue problems, and how to address these issues.

(2) Whether a fee differential should be implemented based on the number of cases a party files in a year.

(3) A process to adjust fees in the future to accommodate inflation and other factors affecting operating costs for trial courts and county programs that rely on court fees.

1 70603. (a) *Except as provided in this section, the fees charged*
2 *for filings and services under this chapter are intended to be*
3 *uniform statewide and to be the only allowable fees for those*
4 *services and filings. The only charges that may be added to the*
5 *fees in this chapter are the following:*

6 (1) *In a complex case, the fee provided for in Section 70616*
7 *may be added to the first paper and first responsive paper filing*
8 *fees in Sections 70611, 70612, 70613, and 70614.*

9 (2) *In an unlawful detainer action subject to Section 1161.2 of*
10 *the Code of Civil Procedure, a charge of fifteen dollars (\$15) as*
11 *provided under that section may be added to the fee in Section*
12 *70613 for filing a first appearance by a plaintiff.*

13 (3) *In Riverside County, a surcharge as provided in Section*
14 *70622 may be added to the first paper and first responsive paper*
15 *filing fees in Sections 70611, 70612, 70613, 70614, 70650,*
16 *70651, 70652, 70653, 70655, and 70670.*

17 (4) *In San Bernardino County, a surcharge as provided in*
18 *Section 70624 may be added to the first paper and first*
19 *responsive paper filing fees in Sections 70611, 70612, 70650,*
20 *70651, 70652, 70653, 70655, and 70670.*

21 (5) *In the City and County of San Francisco, a surcharge as*
22 *provided in Section 70625 may be added to the first paper and*
23 *first responsive paper filing fees in Sections 70611, 70612,*
24 *70613, 70614, 70650, 70651, 70652, 70653, 70655, and 70670.*

25 (b) *Notwithstanding paragraph (1) of subdivision (c) of*
26 *Section 68085.3 and paragraph (1) of subdivision (c) of Section*
27 *68085.4, when a charge for courthouse construction in the*
28 *county or city and county of San Francisco, Riverside, or San*
29 *Bernardino is added to the uniform filing fee as provided under*
30 *paragraph (3), (4), or (5) of subdivision (a), the amount*
31 *distributed to the State Court Facilities Construction Fund under*
32 *Section 68085.3 or 68085.4 shall be reduced by an amount equal*
33 *to the charge added under paragraph (3), (4), or (5) of*
34 *subdivision (a), up to the amount that would otherwise be*
35 *distributed to the State Court Facilities Construction Fund. If the*
36 *amount added under paragraph (3), (4), or (5) of subdivision (a)*
37 *is greater than the amount that would be distributed to the State*
38 *Court Facilities Construction Fund under Section 68085.3 or*
39 *68085.4, no distribution shall be made to the State Court*
40 *Facilities Construction Fund, but the amount charged to the*

1 party may be greater than the amount of the uniform fee
2 otherwise allowed, in order to collect the surcharge under
3 paragraph (3), (4), or (5) of subdivision (a).

4 (c) If a filing fee is reduced by fifteen dollars (\$15) under
5 subdivision (d) of Section 6322.1 of the Business and Professions
6 Code, and a courthouse construction surcharge is added to the
7 filing fee as provided under paragraph (3), (4), or (5) of
8 subdivision (a), the amount distributed to the State Court
9 Facilities Construction Fund under Section 68085.4 shall be
10 reduced as provided in subdivision (b). If the amount added
11 under paragraph (3), (4), or (5) of subdivision (a) is greater than
12 the amount that would be distributed to the State Court Facilities
13 Construction Fund under Section 68085.4, no distribution shall
14 be made to the State Court Facilities Construction Fund, but the
15 amount charged to the party may be greater than one hundred
16 sixty-five dollars (\$165), in order to collect the surcharge under
17 paragraph (3), (4), or (5) of subdivision (a).

18 70617. (a) Except as provided in subdivision (d), the uniform
19 fee for filing a motion, application, or any other paper requiring
20 a hearing subsequent to the first paper, is forty dollars (\$40).
21 Papers for which this fee shall be charged include the following:

22 (1) A motion listed in paragraphs (1) to (12), inclusive, of
23 subdivision (a) of Section 1005 of the Code of Civil Procedure.

24 (2) A motion or application to continue a trial date.

25 (3) An application for examination of a third person
26 controlling defendant's property under Section 491.110 or
27 491.150 of the Code of Civil Procedure.

28 (4) Discovery motions under Title 4 (commencing with Section
29 2016.010) of Part 4 of the Code of Civil Procedure.

30 (5) A motion for a new trial of any civil action or special
31 proceeding.

32 (6) An application for an order for a judgment debtor
33 examination under Section 708.110 or 708.160 of the Code of
34 Civil Procedure.

35 (7) An application for an order of sale of a dwelling under
36 Section 704.750 of the Code of Civil Procedure.

37 (8) An ex parte application that requires a party to give notice
38 of the ex parte appearance to other parties.

39 (b) There shall be no fee under subdivision (a) for filing any of
40 the following:

- 1 (1) *A motion, application, or demurrer that is the first paper*
- 2 *filed in an action and on which a first paper filing fee is paid.*
- 3 (2) *An amended notice of motion.*
- 4 (3) *A civil case management statement.*
- 5 (4) *A request for trial de novo after judicial arbitration.*
- 6 (5) *A stipulation that does not require an order.*
- 7 (6) *A request for an order to prevent civil harassment.*
- 8 (7) *A request for an order to prevent domestic violence.*
- 9 (8) *A request for entry of default or default judgment.*
- 10 (9) *A paper requiring a hearing on a petition for emancipation*
- 11 *of a minor.*
- 12 (10) *A paper requiring a hearing on a petition for an order to*
- 13 *prevent abuse of an elder or dependent adult.*
- 14 (11) *A paper requiring a hearing on a petition for a writ of*
- 15 *review, mandate, or prohibition.*
- 16 (12) *A paper requiring a hearing on a petition for a decree of*
- 17 *change of name or gender.*
- 18 (13) *A paper requiring a hearing on a petition to approve the*
- 19 *compromise of a claim of a minor.*
- 20 (c) *The fee for filing the following papers not requiring a*
- 21 *hearing is twenty dollars (\$20):*
- 22 (1) *A request, application, or motion for, or a notice of, the*
- 23 *continuance of a hearing or case management conference. The*
- 24 *fee shall be charged no more than once for each continuance.*
- 25 *The fee shall not be charged if the continuance is required by the*
- 26 *court.*
- 27 (2) *A stipulation and order.*
- 28 (d) *The fee for filing a motion for summary judgment or*
- 29 *summary adjudication of issues is two hundred dollars (\$200).*
- 30 (e) *Regardless of whether each motion or matter is heard at a*
- 31 *single hearing or at separate hearings, the filing fees required by*
- 32 *subdivisions (a), (c), and (d) apply separately to each motion or*
- 33 *other paper filed. The Judicial Council may publish rules to give*
- 34 *uniform guidance to courts in applying fees under this section.*
- 35 70619. *The fee for reclassification of a case from a limited civil*
- 36 *case to an unlimited civil case under Section 403.060 of the Code*
- 37 *of Civil Procedure is one hundred forty dollars (\$140).*
- 38 70626. (a) *The fee for each of the following services is fifteen*
- 39 *dollars (\$15). Amounts collected shall be distributed to the Trial*
- 40 *Court Trust Fund under Section 68085.1.*

1 (1) Issuing a writ of attachment, a writ of mandate, a writ of
2 execution, a writ of sale, a writ of possession, a writ of
3 prohibition, or any other writ for the enforcement of any order or
4 judgment.

5 (2) Issuing an abstract of judgment.

6 (3) Issuing a certificate of satisfaction of judgment under
7 Section 724.100 of the Code of Civil Procedure.

8 (4) Certifying a copy of any paper, record, or proceeding on
9 file in the office of the clerk of any court.

10 (5) Taking an affidavit, except in criminal cases or adoption
11 proceedings.

12 (6) Acknowledgment of any deed or other instrument,
13 including the certificate.

14 (7) Recording or registering any license or certificate, or
15 issuing any certificate in connection with a license, required by
16 law, for which a charge is not otherwise prescribed.

17 (8) Issuing any certificate for which the fee is not otherwise
18 fixed.

19 (b) The fee for each of the following services is twenty dollars
20 (\$20). Amounts collected shall be distributed to the Trial Court
21 Trust Fund under Section 68085.1.

22 (1) Issuing an order of sale.

23 (2) Receiving and filing an abstract of judgment rendered by a
24 judge of another court and subsequent services based on it,
25 unless the abstract of judgment is filed under Section 704.750 or
26 708.160 of the Code of Civil Procedure.

27 (3) Filing a confession of judgment under Section 1134 of the
28 Code of Civil Procedure.

29 (4) Filing an application for renewal of judgment under
30 Section 683.150 of the Code of Civil Procedure.

31 (5) Issuing a commission to take a deposition in another state
32 or place under Section 2026 of the Code of Civil Procedure.

33 (6) Filing and entering an award under the Workers'
34 Compensation Law (Division 4 (commencing with Section 3200)
35 of the Labor Code).

36 (7) Filing an affidavit of publication of notice of dissolution of
37 partnership.

38 (8) Filing an appeal of a determination whether a dog is
39 potentially dangerous or vicious under Section 31622 of the
40 Food and Agricultural Code.

1 (9) Filing an affidavit under Section 13200 of the Probate
2 Code, together with the issuance of one certified copy of the
3 affidavit under Section 13202 of the Probate Code.

4 (10) Filing and indexing all papers for which a charge is not
5 elsewhere provided, other than papers filed in actions or special
6 proceedings, official bonds, or certificates of appointment.

7 70627. The fees collected under this section shall be
8 distributed to the court in which they were collected.

9 (a) The clerk of the court shall charge fifty cents (\$0.50) per
10 page to cover the cost of preparing copies of any record,
11 proceeding, or paper on file in the clerk's office.

12 (b) For comparing with the original on file in the office of the
13 clerk of any court, the copy of any paper, record, or proceeding
14 prepared by another and presented for the clerk's certificate, the
15 fee is one dollar (\$1) per page, in addition to the fee for the
16 certificate.

17 (c) The fee for a search of records or files conducted by a
18 court employee that requires more than 10 minutes is fifteen
19 dollars (\$15) for each search.

20 70628. For an exemplification of a record or other paper on
21 file, the fee is twenty dollars (\$20) in addition to the charges
22 allowed for copying or comparing each page of the record or
23 other paper.

24 70630. If the court has made videoconferencing services
25 available, the clerk of the court shall charge a reasonable fee to
26 cover the costs of permitting parties to appear by
27 videoconferencing. This fee shall be deposited into the Trial
28 Court Trust Fund.

29 70631. In the absence of a statute or rule authorizing or
30 prohibiting a fee by the superior court for a particular service or
31 product, the court may charge a reasonable fee not to exceed the
32 costs of providing the service or product, if the Judicial Council
33 approves the fee. The fee shall be distributed to the court in
34 which it was collected.

35 70632. The clerk of the court shall charge a reasonable fee for
36 handling funds held in trust for non-court parties or entities. The
37 amount of the fee for handling the funds shall be based on rules
38 adopted by, or guidelines and policies authorized by, the Judicial
39 Council under subdivision (a) of Section 77206. This fee shall be
40 deposited into the Trial Court Trust Fund.

1 70633. (a) No fee shall be charged by the clerk for service
2 rendered to the petitioner in any adoption proceeding except as
3 provided in Section 103730 of the Health and Safety Code, nor
4 shall any fees be charged for any service to the state or for any
5 proceeding brought pursuant to Section 7841 of the Family Code
6 to declare a minor free from parental custody or control.

7 (b) No fee shall be charged by the clerk for services rendered
8 in any criminal action unless otherwise specifically authorized by
9 law, except that the clerk may charge the fee specified in Section
10 70627 for making or certifying to a copy of any filed paper,
11 record, or proceeding in a criminal action. If a criminal
12 defendant has been granted a fee waiver or the court finds that
13 the defendant does not have the ability to pay the fee, the court
14 may reduce or waive the fee.

15 (c) Except as permitted in subdivision (b), no fee shall be
16 charged by the clerk for service to any municipality or county in
17 the state, to the state government, nor to the United States of
18 America or any of its officers acting in his or her official
19 capacity.

20 21 Article 2. Fees in Probate Proceedings

22
23 70651. (a) The uniform filing fee for objections or any other
24 paper in opposition to a petition or account described in
25 subdivision (a) of Section 70650, other than a petition described
26 in subdivision (d) of Section 70650, except for the purpose of
27 making a disclaimer, is three hundred twenty dollars (\$320). If
28 objections or any other paper in opposition are filed together
29 with a petition described in subdivision (d) of Section 70650 by
30 the same person, only the fee provided in subdivision (d) of
31 Section 70650 shall be charged to that person.

32 (b) The uniform filing fee charged under this section shall be
33 distributed as provided in Section 68085.3.

34 70652. (a) The uniform filing fee for each petition concerning
35 the internal affairs of a trust under Chapter 3 (commencing with
36 Section 17200) of Part 5 of Division 9 of the Probate Code, is
37 three hundred twenty dollars (\$320).

38 (b) The uniform filing fee for each paper filed in opposition to
39 a petition under subdivision (a) is three hundred twenty dollars
40 (\$320).

1 (c) To avoid hardship, or for other good cause, the court may
2 direct the clerk of the court to refund all or any part of a filing
3 fee paid under this section.

4 (d) This section does not apply to petitions or opposition filed
5 concerning trusts created by court order under Article 10
6 (commencing with Section 2580) of Chapter 6 of Part 3 of
7 Division 4 of the Probate Code, Article 1 (commencing with
8 Section 3100) of Chapter 3 of Part 6 of Division 4 of the Probate
9 Code, Article 1 (commencing with Section 3600) of Chapter 4 of
10 Part 8 of Division 4 of the Probate Code, or first accounts or
11 opposition to first accounts of testamentary trustees described in
12 Sections 70650 and 70651.

13 (e) The uniform filing fee charged under this section shall be
14 distributed as provided in Section 68085.3.

15 70653. (a) The uniform filing fee for a petition for
16 appointment of a conservator, a guardian of the estate, or a
17 guardian of the person and estate, pursuant to Division 4
18 (commencing with Section 1400) of the Probate Code, is three
19 hundred twenty dollars (\$320).

20 (b) Except as provided in subdivision (f), the uniform filing fee
21 for objections or any other paper in opposition to a petition
22 under subdivision (a) or (d) is three hundred twenty dollars
23 (\$320).

24 (c) If a competing petition for appointment of a guardian or
25 conservator subject to the fee under subdivision (a) is filed
26 together with opposition to the petition of another by the same
27 person, the person filing the competing petition and opposition
28 shall be charged a filing fee only for the competing petition.

29 (d) If a petition for appointment of a temporary guardian or
30 conservator is filed together with a petition under subdivision
31 (a), or a competing petition under subdivision (c) by the same
32 person, the person filing the petition for appointment of a
33 temporary guardian or conservator shall be charged a filing fee
34 only for the petition under subdivision (a) or (c).

35 (e) The uniform filing fee charged under this section shall be
36 distributed as provided in Section 68085.3.

37 (f) No fee under this section shall be charged for objections or
38 any other paper in opposition filed by or on behalf of the
39 proposed conservatee, or the minor or a parent of the minor who
40 is the subject of a guardianship proceeding.

1 70654. (a) *The uniform filing fee for a petition for appointment*
2 *of a guardian of the person only, is one hundred eighty dollars*
3 *(\$180).*

4 (b) *Except as provided in subdivision (e), the uniform filing fee*
5 *for objections or any other paper in opposition to a petition*
6 *under subdivision (a) is one hundred eighty dollars (\$180).*

7 (c) *If a competing petition for appointment of a guardian*
8 *subject to the fee under subdivision (a) is filed together with*
9 *opposition to the petition of another by the same person, the*
10 *person filing the competing petition and opposition shall be*
11 *charged a filing fee only for the competing petition.*

12 (d) *If a petition for appointment of a temporary guardian is*
13 *filed together with a petition under subdivision (a), or a*
14 *competing petition under subdivision (c) by the same person, the*
15 *person filing the petition for appointment of a temporary*
16 *guardian shall be charged a filing fee only for the petition under*
17 *subdivision (a) or (c).*

18 (e) *No fee under this section shall be charged for objections or*
19 *any other paper in opposition filed by or on behalf of the minor*
20 *or a parent of the minor who is the subject of the proceeding.*

21 (f) *The uniform filing fee charged under this section shall be*
22 *distributed as provided in Section 68085.4.*

23 (g) *No other fees shall be charged for filing a paper under this*
24 *section in addition to the uniform filing fee provided for in this*
25 *section.*

26 70655. (a) *The uniform filing fee for a petition that commences*
27 *any of the proceedings under the Probate Code listed in*
28 *subdivision (c) is three hundred twenty dollars (\$320).*

29 (b) *The uniform filing fee for objections or any other paper*
30 *filed in opposition to a petition under subdivision (a) is three*
31 *hundred twenty dollars (\$320).*

32 (c) *This section applies to petitions or opposition concerning*
33 *the following proceedings:*

34 (1) *A petition for compromise of a minor's claim pursuant to*
35 *Section 3600 of the Probate Code.*

36 (2) *A petition to determine succession to real property*
37 *pursuant to Section 13151 of the Probate Code.*

38 (3) *A spousal or domestic partnership property petition*
39 *pursuant to Section 13650 of the Probate Code, except as*
40 *provided in Section 13652 of the Probate Code.*

1 (4) *A petition to establish the fact of death to determine title to*
2 *real property under Section 200 of the Probate Code.*

3 (5) *A petition for an order concerning a particular transaction*
4 *pursuant to Section 3100 of the Probate Code.*

5 (6) *A petition concerning capacity determination and health*
6 *care decision for adult without conservator pursuant to Section*
7 *3200 of the Probate Code.*

8 (7) *A petition concerning an advance health care directive*
9 *pursuant to Section 4766 of the Probate Code.*

10 (8) *A petition concerning a power of attorney pursuant to*
11 *Section 4541 of the Probate Code.*

12 (9) *Any other petition that commences a proceeding under the*
13 *Probate Code not otherwise provided for in this article.*

14 (d) *The uniform filing fee charged under this section shall be*
15 *distributed as provided in Section 68085.3.*

16 70656. (a) *The uniform filing fee for a petition requesting an*
17 *order setting aside a decedent's estate of small value pursuant to*
18 *Section 6602 of the Probate Code, if no estate proceeding is*
19 *pending for the decedent, is one hundred eighty dollars (\$180).*

20 (b) *The uniform filing fee for objections or any other paper*
21 *filed in opposition to a petition under subdivision (a) is one*
22 *hundred eighty dollars (\$180).*

23 (c) *If a petition or objections or any other paper in opposition*
24 *under this section is filed concurrently with a petition for*
25 *appointment of a personal representative described in Section*
26 *70650, the petitioner or objector shall be charged only for the*
27 *filing fee provided in Section 70650.*

28 (d) *The uniform filing fee charged under this section shall be*
29 *distributed as provided in Section 68085.4.*

30 (e) *Except as provided in subdivision (c), no other fee shall be*
31 *charged for filing a paper under this section in addition to the*
32 *uniform filing fee provided for in this section.*

33 70657. (a) *Except as provided in subdivision (d), the uniform*
34 *fee for filing a motion, application, or any other paper requiring*
35 *a hearing subsequent to the first paper is forty dollars (\$40).*
36 *Papers for which this fee shall be charged include papers listed*
37 *in subdivision (a) of Section 70617 and the following:*

38 (1) *Pretrial and posttrial motions or applications in contested*
39 *litigation.*

40 (2) *Applications for ex parte relief.*

1 (3) *Petitions and objections or other papers in opposition to*
2 *petitions concerning the internal affairs of a trust that are not*
3 *subject to the filing fees provided in Section 70650, 70651, or*
4 *70652.*

5 (4) *Petitions and objections or other papers in opposition to*
6 *petitions filed subsequent to issuance of temporary letters of*
7 *guardianship or letters of guardianship in proceedings described*
8 *in Section 70654.*

9 (5) *Petitions or objections or other papers in opposition to*
10 *petitions filed subsequent to issuance of special letters of*
11 *administration or letters testamentary or of administration in*
12 *decendent's estate proceedings that are not subject to the fee*
13 *provided in Section 70658.*

14 (b) *There shall be no fee under subdivision (a) for filing any of*
15 *the papers listed under subdivision (b) of Section 70617.*

16 (c) *The summary judgment fee provided in subdivision (d) of*
17 *Section 70617 shall apply to summary judgment motions in*
18 *proceedings under the Probate Code.*

19 (d) *Regardless of whether each motion or matter is heard at a*
20 *single hearing or at separate hearings, the filing fees required by*
21 *subdivisions (a) and (c) apply separately to each motion or other*
22 *paper filed. The Judicial Council may publish rules to give*
23 *uniform guidance to courts in applying fees under this section.*

24 70658. (a) *Except as provided in subdivisions (c) and (d), the*
25 *uniform fee for a petition or objections, or any other paper in*
26 *opposition to a petition for an appealable order under Section*
27 *1300 or 1301 of the Probate Code that is filed after issuance of*
28 *letters testamentary, letters of administration, letters of special*
29 *administration to a personal representative of a decedent's*
30 *estate, or letters of guardianship or conservatorship, or*
31 *temporary guardianship or conservatorship to a guardian or*
32 *conservator, is one hundred eighty dollars (\$180).*

33 (b) *The uniform fee in subdivision (a) shall be distributed as*
34 *provided in Section 68085.4. No other fee shall be charged for*
35 *filing a paper under this section in addition to the uniform filing*
36 *fee provided for in this section.*

37 (c) *The fee provided in this section shall not be charged for*
38 *filing a petition or opposition to a petition in a proceeding under*
39 *Section 70654.*

1 (d) *The fee provided in this section shall not be charged to a*
2 *personal representative of a decedent's estate in a proceeding*
3 *commenced on or after August 18, 2003, for any petition filed in*
4 *the proceeding by the personal representative concerning any*
5 *action described in subdivision (a) or (b) of Section 10501 of the*
6 *Probate Code.*

7
8 *Article 3. Fees in Family Law Matters*
9

10 70670. (a) *The uniform fee for filing the first paper in a*
11 *proceeding under the Family Code, other than a proceeding for*
12 *dissolution of marriage or domestic partnership, legal*
13 *separation, or nullity, is three hundred twenty dollars (\$320).*
14 *The fee shall be distributed as provided in Section 68085.3.*

15 (b) *The uniform fee for filing the first paper in a proceeding*
16 *for dissolution of marriage or domestic partnership, legal*
17 *separation, or nullity, is three hundred twenty dollars (\$320).*
18 *The fee shall be distributed as provided in Section 68085.3,*
19 *except that two dollars (\$2) of the funds that would otherwise be*
20 *distributed to the Trial Court Trust Fund shall be transmitted to*
21 *the Treasurer for deposit in the Health Statistics Special Fund.*

22 (c) *The uniform fee for filing the first paper in a proceeding*
23 *under subdivision (a) on behalf of any respondent, defendant,*
24 *intervenor, or adverse party, whether separately or jointly, is*
25 *three hundred twenty dollars (\$320). The fee shall be distributed*
26 *as provided in Section 68085.3.*

27 (d) *The uniform fee for filing the first paper in a proceeding*
28 *under subdivision (b) on behalf of any respondent, defendant,*
29 *intervenor, or adverse party, whether separately or jointly, is*
30 *three hundred twenty dollars (\$320). The fee shall be distributed*
31 *as provided in Section 68085.3.*

32 (e) *The fees in this section do not apply to papers filed for the*
33 *purpose of making a disclaimer.*

34 70671. *As used in subdivision (c) or (d) of Section 70670, the*
35 *term "paper" does not include any of the following:*

36 (a) *The declaration of a spouse or domestic partner filed in an*
37 *order to show cause proceeding.*

38 (b) *A settlement agreement or a stipulation for judgment that*
39 *is signed by a defaulted respondent and intended for*

1 *incorporation in a proposed decree of dissolution of marriage or*
2 *domestic partnership.*

3 *(c) A stipulation regarding the date of termination of the*
4 *marital or domestic partnership status if the court has retained*
5 *jurisdiction over that date.*

6 *(d) A document relating to a stipulated postjudgment*
7 *modification of child support.*

8 *(e) A stipulation to modify a settlement agreement that was*
9 *signed by a defaulted respondent and incorporated in a decree of*
10 *dissolution if the stipulation is presented by the petitioner.*

11 *(f) A request for an order to prevent domestic violence or a*
12 *responsive declaration to that request.*

13 *70672. Notwithstanding any other provision of law, no fee*
14 *shall be charged to file a first paper or any subsequent pleading*
15 *or document on issues relating to parentage or support in a case*
16 *in which a Title IV-D child support agency is providing services*
17 *under Section 17400 of the Family Code.*

18 *70677. (a) The uniform fee for filing any motion, application,*
19 *order to show cause, or any other paper requiring a hearing*
20 *subsequent to the first paper is forty dollars (\$40). Papers for*
21 *which this fee shall be charged include the following:*

22 *(1) Papers listed in subdivision (a) of Section 70617.*

23 *(2) An order to show cause or notice of motion seeking*
24 *temporary prejudgment or postjudgment orders, including, but*
25 *not limited to, orders to establish, modify, or enforce child,*
26 *spousal, or partner support, custody and visitation of children,*
27 *division and control of property, attorney's fees, and bifurcation*
28 *of issues.*

29 *(b) There shall be no fee under subdivision (a) of this section*
30 *for filing any of the following:*

31 *(1) A motion, motion to quash proceeding, application, or*
32 *demurrer that is the first paper filed in an action and on which a*
33 *first paper filing fee is paid.*

34 *(2) An amended notice of motion or amended order to show*
35 *cause.*

36 *(3) A statement to register foreign support under Section 4951*
37 *of the Family Code.*

38 *(4) An application to determine the judgment after entry of*
39 *default.*

40 *(5) A request for an order to prevent domestic violence.*

1 (6) *A paper requiring a hearing on a petition for writ of*
2 *review, mandate, or prohibition that is the first paper filed in an*
3 *action and on which a first paper filing fee has been paid.*

4 (7) *A stipulation that does not require an order.*

5 (c) *The uniform fee for filing the following papers not*
6 *requiring a hearing is twenty dollars (\$20):*

7 (1) *A request, application, or motion for the continuance of a*
8 *hearing or case management conference.*

9 (2) *A stipulation and order.*

10 (d) *Regardless of whether each motion or matter is heard at a*
11 *single hearing or at separate hearings, the filing fees required by*
12 *subdivisions (a) and (c) apply separately to each motion or other*
13 *paper filed. The Judicial Council may publish rules to give*
14 *uniform guidance to courts in applying fees under this section.*

15 SEC. 133. *The heading of Chapter 6 (commencing with*
16 *Section 71002) of Title 8 of the Government Code is amended to*
17 *read:*

18
19 CHAPTER 6. PROVISIONS RELATING TO ~~MUNICIPAL~~
20 TRIAL COURTS
21

22 SEC. 134. *Section 71386 of the Government Code is amended*
23 *to read:*

24 71386. (a) Each superior ~~and municipal~~ court shall adopt a
25 written policy, consistent with rules adopted by, *or trial court*
26 *financial policies and procedures authorized by, the Judicial*
27 *Council under subdivision (a) of Section 77206, governing the*
28 *acceptance of checks and money orders in payment of any fees,*
29 *finances, or bail deposits. ~~Such~~ The policy shall permit clerks to*
30 *accept checks and money orders under conditions ~~which~~ that*
31 *tend to assure their validity.*

32 (b) A court shall accept a personal check, bank cashier's
33 check, or money order for payment of any fee or fine, or for a
34 deposit of bail for any offense ~~which~~ *that* is not declared to be a
35 felony, provided ~~such~~ *the* check or money order meets the criteria
36 established in subdivision (a). However, no court shall be
37 required to accept a check in excess of three hundred dollars
38 (\$300) from a defendant in custody as a deposit of bail for any
39 alleged violation of the Penal Code.

(c) The acceptance of a check pursuant to this section constitutes payment of the obligation owed to the payee public agency to the extent of the amount of the check as of the date of acceptance ~~when, but not before, the check is duly paid.~~

(d) If any check offered in payment pursuant to this section is returned to the payee without payment, a reasonable charge for the returned check not to exceed the actual costs incurred ~~by the court~~ may be imposed to recover the ~~court's~~ processing and collection costs. This charge may be added to, and become part of, any underlying obligation other than an obligation ~~which that~~ constitutes a lien on real property, or a different method of payment for that payment and future payments by ~~such that~~ person may be prescribed. ~~The~~ *If the costs are incurred by the county, the charges imposed by a court for a returned check shall be retained by the treasurer of the county and be deposited in the county general fund. If the costs are incurred by the court, the charges imposed for a returned check shall be distributed to the court under Section 68085.1.*

SEC. 135. The heading of Chapter 8 (commencing with Section 72004) of Title 8 of the Government Code is amended to read:

CHAPTER 8. ~~MUNICIPAL AND SUPERIOR COURTS~~

SEC. 136. Section 72054 of the Government Code is repealed.

~~72054. Except as otherwise provided by law, the clerk of the court shall charge the fees prescribed by this article, and the fees prescribed by Sections 26823, 26828, 26829, 26830, 26831, 26832.1, 26833.1, 26834, 26836.1, 26837.1, 26839, 26850.1, 26851.1, 26852.1, 26853.1, 26854, 26855.4, and 26863 for all services to be performed.~~

SEC. 137. Section 72055 of the Government Code, as amended by Section 21 of Chapter 159 of the Statutes of 2003, is amended and renumbered to read:

~~72055.—~~

70613. (a) The total uniform fee for filing of the first paper in a limited civil case shall be one hundred eighty-five dollars (\$185), except that in is three hundred dollars (\$300), except as provided in subdivision (b).

1 (b) In a case where the amount demanded, excluding
2 attorney's fees and costs, is ten thousand dollars (\$10,000) or
3 less, the *uniform fee shall be eighty-three dollars (\$83) for filing*
4 *the first paper is one hundred eighty dollars (\$180)*. The first
5 page of the first paper shall state whether the amount demanded
6 exceeds or does not exceed ten thousand dollars (\$10,000).

7 ~~(b)~~

8 (c) This section applies to the initial complaint, petition, or
9 application, and any papers transmitted from another court on the
10 transfer of a civil action or proceeding, but does not include
11 documents filed pursuant to Section 491.150, 704.750, or
12 708.160 of the Code of Civil Procedure.

13 ~~(e) The term "total fee" as used in this section and Section~~
14 ~~72056 includes any amount allocated to the Judges' Retirement~~
15 ~~Fund pursuant to Section 72056.1, any automation fee imposed~~
16 ~~pursuant to Section 68090.7, any construction fee imposed~~
17 ~~pursuant to Section 76238, and the law library fee established~~
18 ~~pursuant to Article 2 (commencing with Section 6320) of~~
19 ~~Chapter 5 of Division 3 of the Business and Professions Code.~~
20 ~~The term "total fee" as used in this section and Section 72056~~
21 ~~also includes any dispute resolution fee imposed pursuant to~~
22 ~~Section 470.3 of the Business and Professions Code, but the~~
23 ~~Judicial Council may authorize any trial court to exclude any~~
24 ~~portion of this dispute resolution fee from the term "total fee."~~

25 (d) *The fee for a paper filed under this section shall be*
26 *distributed as provided in Section 68085.4.*

27 (e) The fee shall be waived in any action for damages against
28 a defendant, based upon the defendant's commission of a felony
29 offense, upon presentation to the clerk of the court of a certified
30 copy of the abstract of judgment of conviction of the defendant
31 of the felony giving rise to the claim for damages. If the plaintiff
32 would have been entitled to recover those fees from the
33 defendant had they been paid, the court may assess the amount of
34 the waived fees against the defendant and order the defendant to
35 pay that sum to the ~~county~~ court.

36 ~~(e) This section shall become inoperative on July 1, 2006, and,~~
37 ~~as of January 1, 2007, is repealed, unless a later enacted statute~~
38 ~~that is enacted before January 1, 2007, deletes or extends the~~
39 ~~dates on which it becomes inoperative and is repealed.~~

1 ~~SEC. 138. Section 72055 of the Government Code, as added~~
2 ~~by Section 22 of Chapter 159 of the Statutes of 2003, is repealed.~~

3 ~~72055. (a) The total fee for filing of the first paper in a~~
4 ~~limited civil case shall be ninety dollars (\$90), except that in a~~
5 ~~case where the amount demanded, excluding attorney's fees and~~
6 ~~costs, is ten thousand dollars (\$10,000) or less, the fee shall be~~
7 ~~eighty-three dollars (\$83). The first page of the first paper shall~~
8 ~~state whether the amount demanded exceeds or does not exceed~~
9 ~~ten thousand dollars (\$10,000).~~

10 ~~(b) This section applies to the initial complaint, petition, or~~
11 ~~application, and any papers transmitted from another court on the~~
12 ~~transfer of a civil action or proceeding, but does not include~~
13 ~~documents filed pursuant to Section 491.150, 704.750, or~~
14 ~~708.160 of the Code of Civil Procedure.~~

15 ~~(c) The term "total fee" as used in this section and Section~~
16 ~~72056 includes any amount allocated to the Judges' Retirement~~
17 ~~Fund pursuant to Section 72056.1, any automation fee imposed~~
18 ~~pursuant to Section 68090.7, any construction fee imposed~~
19 ~~pursuant to Section 76238, and the law library fee established~~
20 ~~pursuant to Article 2 (commencing with Section 6320) of~~
21 ~~Chapter 5 of Division 3 of the Business and Professions Code.~~
22 ~~The term "total fee" as used in this section and Section 72056~~
23 ~~also includes any dispute resolution fee imposed pursuant to~~
24 ~~Section 470.3 of the Business and Professions Code, but the~~
25 ~~Judicial Council may authorize any trial court to exclude any~~
26 ~~portion of this dispute resolution fee from the term "total fee."~~

27 ~~(d) The fee shall be waived in any action for damages against~~
28 ~~a defendant, based upon the defendant's commission of a felony~~
29 ~~offense, upon presentation to the clerk of the court of a certified~~
30 ~~copy of the abstract of judgment of conviction of the defendant~~
31 ~~of the felony giving rise to the claim for damages. If the plaintiff~~
32 ~~would have been entitled to recover those fees from the~~
33 ~~defendant had they been paid, the court may assess the amount of~~
34 ~~the waived fees against the defendant and order the defendant to~~
35 ~~pay that sum to the county.~~

36 ~~(e) This section shall become operative July 1, 2006.~~

37 ~~SEC. 139. Section 72056 of the Government Code, as~~
38 ~~amended by Section 23 of Chapter 159 of the Statutes of 2003, is~~
39 ~~amended and renumbered to read:~~

1 ~~72056.—~~

2 ~~70614. (a) The total uniform fee for filing of the first paper in~~
3 ~~a limited civil case on behalf of any party other than a plaintiff~~
4 ~~shall be one hundred eighty-five dollars (\$185), except that in is~~
5 ~~three hundred dollars (\$300), except as provided in subdivision~~
6 ~~(b).~~

7 ~~(b) In a case where the amount demanded, excluding~~
8 ~~attorney's fees and costs, is ten thousand dollars (\$10,000) or~~
9 ~~less, the uniform fee shall be eighty dollars (\$80) for filing the~~
10 ~~first paper is one hundred eighty dollars (\$180).~~

11 ~~(b) This section shall become inoperative on July 1, 2006, and,~~
12 ~~as of January 1, 2007, is repealed, unless a later enacted statute~~
13 ~~that is enacted before January 1, 2007, deletes or extends the~~
14 ~~dates on which it becomes inoperative and is repealed.~~

15 ~~(c) The fees in this section do not apply to papers filed for the~~
16 ~~purpose of making disclaimer.~~

17 ~~(d) The fee for a paper filed under this section shall be~~
18 ~~distributed as provided in Section 68085.4.~~

19 ~~SEC. 140. Section 72056 of the Government Code, as added~~
20 ~~by Section 24 of Chapter 159 of the Statutes of 2003, is repealed.~~

21 ~~72056. (a) The total fee for filing of the first paper in a~~
22 ~~limited civil case on behalf of any party other than a plaintiff~~
23 ~~shall be eighty dollars (\$80).~~

24 ~~(b) This section shall become operative July 1, 2006.~~

25 ~~SEC. 141. Section 72056.01 of the Government Code is~~
26 ~~repealed.~~

27 ~~72056.01. (a) The fee for filing an amended complaint or~~
28 ~~amendment to a complaint in a limited civil case is forty-five~~
29 ~~dollars (\$45).~~

30 ~~(b) The fee for filing a cross-complaint, amended~~
31 ~~cross-complaint or amendment to a cross-complaint in a limited~~
32 ~~civil case is forty-five dollars (\$45).~~

33 ~~(c) A party shall not be required to pay the fee provided by~~
34 ~~this section for an amended complaint, amendment to a~~
35 ~~complaint, amended cross-complaint or amendment to a~~
36 ~~cross-complaint more than one time in any action.~~

37 ~~(d) The fee provided by this section shall not apply to either of~~
38 ~~the following:~~

39 ~~(1) An amended pleading or amendment to a pleading ordered~~
40 ~~by the court to be filed.~~

1 ~~(2) An amended pleading or amendment to a pleading that~~
2 ~~only names previously fictitiously named defendants.~~

3 *SEC. 142. Section 72056.1 of the Government Code is*
4 *repealed.*

5 ~~72056.1. A fee of two dollars (\$2) for the Judges' Retirement~~
6 ~~Fund shall be included within the total fees collected pursuant to~~
7 ~~Sections 72055 and 72056 in each limited civil case.~~

8 ~~The funds shall be transmitted at the end of each month to the~~
9 ~~Controller for payment into the Judges' Retirement Fund.~~

10 *SEC. 143. Section 72059 of the Government Code is*
11 *repealed.*

12 ~~72059. The fee for receiving and filing an abstract of~~
13 ~~judgment rendered by a judge of another court and for~~
14 ~~subsequent services based on it is twenty dollars (\$20).~~

15 *SEC. 144. Section 72060 of the Government Code is*
16 *repealed.*

17 ~~72060. The fee for a certificate and transmitting transcript~~
18 ~~and papers on appeal in a limited civil case is ten dollars (\$10).~~
19 ~~Notwithstanding Section 68085, six dollars (\$6) of the fee~~
20 ~~authorized in this section shall be deposited in the county general~~
21 ~~fund for use as county general fund revenue.~~

22 *SEC. 145. Section 72061 of the Government Code is*
23 *repealed.*

24 ~~72061. The fee for issuing a transcript of the register of~~
25 ~~actions is one dollar and fifty cents (\$1.50).~~

26 *SEC. 146. Section 72073 of the Government Code is*
27 *repealed.*

28 ~~72073. No fees shall be charged by the clerk for services~~
29 ~~rendered in any criminal action except for making or certifying to~~
30 ~~a copy of any filed paper, record, or proceeding when not~~
31 ~~otherwise specified by law. No charge shall be made for any~~
32 ~~service to the United States of America or any of its officers~~
33 ~~acting in his official capacity.~~

34 *SEC. 147. Section 76236 of the Government Code is amended*
35 *and renumbered to read:*

36 ~~76236.—~~

37 ~~70624. (a) In addition to the total uniform filing fee~~
38 ~~authorized pursuant to Section 26820.4, 26826, or 26827 70611,~~
39 ~~70612, 70650, 70651, 70652, 70653, 70655, or 70670, after~~
40 ~~giving notice and holding a public hearing on the proposal, the~~

1 Board of Supervisors of San Bernardino County may impose a
2 surcharge not to exceed thirty-five dollars (\$35) for the filing in
3 superior court of ~~(a)~~ (1) a complaint, petition, or other first paper
4 in a civil, *family*, or probate action or special proceeding, and ~~(b)~~
5 (2) a first paper on behalf of any defendant, respondent,
6 intervenor, or adverse party. *The county shall notify in writing*
7 *the superior court and the Administrative Office of the Courts of*
8 *any change in a surcharge under this section. If a surcharge*
9 *under this section is imposed on a filing fee, the distribution that*
10 *would otherwise be made to the State Court Facilities*
11 *Construction Fund under subdivision (c) of Section 68085.3 or*
12 *subdivision (c) of Section 68085.4 shall be reduced as provided*
13 *in Section 70603.*

14 (b) The surcharge shall be in an amount determined to be
15 necessary by the board of supervisors to supplement the
16 Courthouse Construction Fund, to be deposited in that fund and
17 used solely for the purposes authorized for expenditures from
18 that fund, including, but not limited to, earthquake retrofitting,
19 renovation, and remodeling of all portions of the Central San
20 Bernardino Courthouse in need of retrofitting, renovation, or
21 remodeling, whether or not necessitated by the retrofitting work,
22 including the original courthouse built in 1926 and all subsequent
23 additions thereto. Expenditures made from the Courthouse
24 Construction Fund that are funded from the surcharge shall be
25 made in order of priority to ensure that all necessary earthquake
26 retrofitting of the Central San Bernardino Courthouse will be
27 completed. Collection of the surcharge authorized by this section
28 shall terminate upon repayment of the amortized costs incurred,
29 or 30 years from the sale of the bond, whichever occurs first.
30 However, the surcharge shall not apply in instances in which no
31 filing fee is charged or the filing fee is waived. *If the amortized*
32 *costs have been repaid, or 30 years have passed since the sale of*
33 *the bond, the county shall notify in writing the superior court and*
34 *the Administrative Office of the Courts.*

35 SEC. 148. Section 76238 of the Government Code is amended
36 and renumbered to read:

37 76238.—

38 70625. (a) Notwithstanding any other law, for the purpose of
39 assisting the City and County of San Francisco in the acquisition,
40 rehabilitation, construction, and financing of courtrooms or of a

1 courtroom building or buildings containing facilities necessary or
2 incidental to the operation of the justice system, the Board of
3 Supervisors of the City and County of San Francisco may require
4 the amounts collected pursuant to subdivision (d) to be deposited
5 in the Courthouse Construction Fund established pursuant to
6 Section 76100. In the City and County of San Francisco, the
7 moneys of the Courthouse Construction Fund together with any
8 interest earned thereon shall be payable only for the foregoing
9 purposes and at the time necessary therefor, and for the purposes
10 set forth in subdivision (b) and at the time necessary therefor.

11 (b) In conjunction with the acquisition, rehabilitation,
12 construction, or financing of courtrooms or of a courtroom
13 building or buildings referred to in subdivision (a), the City and
14 County of San Francisco may use the moneys of the Courthouse
15 Construction Fund (1) to rehabilitate existing courtrooms or an
16 existing courtroom building or buildings for other uses if new
17 courtrooms or a courtroom building or buildings are acquired,
18 constructed, or financed or (2) to acquire, rehabilitate, construct,
19 or finance excess courtrooms or an excess courtroom building or
20 buildings if that excess is anticipated to be needed at a later time.

21 (c) Any excess courtrooms or excess courtroom building or
22 buildings that are acquired, rehabilitated, constructed, or financed
23 pursuant to subdivision (b) may be leased or rented for uses other
24 than the operation of the justice system until such time as the
25 excess courtrooms or excess courtroom building or buildings are
26 needed for the operation of the justice system. Any amounts
27 received as lease or rental payments pursuant to this subdivision
28 shall be deposited in the Courthouse Construction Fund.

29 (d) In the City and County of San Francisco, a surcharge for
30 the purpose and for the time set forth in this section may be
31 added to ~~any the filing fee fees~~ *under Sections 70611, 70612,*
32 *70613, 70614, 70650, 70651, 70652, 70653, 70655, and 70670* in
33 any civil, *family*, or probate action in the superior court. The
34 surcharge shall be in an amount, not to exceed fifty dollars (\$50),
35 ~~and shall be collected in a manner~~ as set forth in a resolution
36 adopted by the Board of Supervisors of the City and County of
37 San Francisco. *If a surcharge under this section is imposed on a*
38 *filing fee, the distribution that would otherwise be made to the*
39 *State Court Facilities Construction Fund under subdivision (c) of*
40 *Section 68085.3 or subdivision (c) of Section 68085.4 shall be*

1 reduced as provided in Section 70603. The county shall notify in
2 writing the superior court and the Administrative Office of the
3 Courts of any change in a surcharge under this section. When the
4 amortized costs that are to be repaid from this fund have been
5 repaid, the county shall notify in writing the superior court and
6 the Administrative Office of Courts, and the surcharge under this
7 section shall terminate, as provided in subdivision (c) of Section
8 70375.

9 SEC. 149. Section 77009 of the Government Code is amended
10 to read:

11 77009. (a) ~~For the purposes of funding trial court operations,~~
12 ~~each~~ The Judicial Council may establish bank accounts for the
13 superior courts and require the courts to deposit moneys for trial
14 court operations, and any other moneys under the control of the
15 courts, into those accounts. Deposits to these accounts shall
16 include, but are not limited to, the following:

17 (1) Moneys appropriated in the Budget Act and allocated or
18 reallocated to the superior court by the Judicial Council.

19 (2) Moneys held in trust.

20 (3) Other moneys as deemed necessary or appropriate.

21 (b) Subdivision (a) shall not apply to payments from a party or
22 a defendant received by the superior court for any criminal fees,
23 fines, or forfeitures. However, the court and county may enter
24 into a contract for the court to provide depository services in an
25 account established by the Judicial Council for criminal fees,
26 fines, and forfeitures, with the approval of the Administrative
27 Director of the Courts. The contract shall identify the scope of
28 service, method of service delivery, term of agreement,
29 anticipated service outcomes, and the cost of the service. The
30 amount of any indirect or overhead costs shall be individually
31 stated with the method of calculation of the indirect or overhead
32 costs.

33 (c) Moneys deposited into a bank account established
34 pursuant to subdivision (a) for the Trial Court Operations Fund
35 that are appropriated in the Budget Act and allocated or
36 reallocated to the superior court by the Judicial Council shall be
37 payable only for the purposes set forth in Sections 77003 and
38 77006.5, and for services purchased by the court pursuant to
39 subdivisions (b) and (c) of Section 77212.

(d) (1) All moneys received by a superior court from any source for court operating and program purposes shall be deposited into a bank account established pursuant to subdivision (a) and accounted for in the Trial Court Operations Fund. Moneys that are received to fulfill the requirements of Article 4 (commencing with Section 4250) of Chapter 2 of Part 2 of Division 9 and Division 14 (commencing with Section 10000) of the Family Code shall be identified and maintained in a separate account established in the fund for this purpose.

(2) All other moneys deposited into a bank account established pursuant to subdivision (a) and accounted for in the Trial Court Operations Fund that are received for purposes other than court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court, shall be identified and maintained in separate accounts in the fund.

(3) This subdivision shall not apply to either of the following:

(A) Moneys received by the courts pursuant to paragraph (2) of subdivision (a) of this section and Section 68084, if those moneys are not for court operating or program purposes.

(B) Payments from a party or a defendant received by the county for any fees, fines, or forfeitures; money collected by the superior court under Chapter 5.8 (commencing with Section 70600); or fees and fines to which Section 68085.1 applies.

(e) The presiding judge of the superior court, or his or her designee, shall authorize and direct all expenditures by the court for operating and program purposes from any account established under subdivision (b) or (c).

(f) The Judicial Council, in consultation with the Controller's office, shall establish procedures to implement this section and to provide for payment of trial court operations expenses, as described in Sections 77003 and 77006.5, incurred on July 1, 1997, and thereafter.

(g) (1) If the Judicial Council has not established bank accounts pursuant to subdivision (a), the court shall contract with the county for fiscal services. Each board of supervisors shall ~~establish~~ maintain in the county treasury a Trial Court Operations Fund, which will operate as an agency fund. All ~~funds~~ moneys appropriated in the Budget Act and allocated and reallocated to ~~each~~ the superior court in the county by the Judicial Council shall be deposited into the fund. ~~Accounts shall~~

1 be established in the Trial Court Operations Fund for each trial
2 court in the county, except that one account may be established
3 for courts which have a unified budget. In a county where court
4 budgets include appropriations for expenditures administered on
5 a countywide basis, including, but not limited to, court security,
6 centralized data processing and planning and research services,
7 an account for each centralized service shall be established and
8 funded from those appropriations.

9 ~~(b) The moneys of the Trial Court Operations Fund arising~~
10 ~~from deposits of funds appropriated~~

11 *(2) Moneys deposited into the fund that are appropriated for*
12 *the Trial Court Operations Fund in the Budget Act and allocated*
13 *or reallocated to each court in the county the superior court by*
14 *the Judicial Council shall be payable only for the purposes set*
15 *forth in Sections 77003 and 77006.5, and for services purchased*
16 *by the court pursuant to subdivisions (b) and (c) of Section*
17 *77212. The presiding judge of each court in a county the superior*
18 *court, or his or her designee, shall authorize and direct*
19 *expenditures from the fund and the county auditor-controller*
20 *shall make payments from the funds as directed. Approval of the*
21 *board of supervisors is not required for expenditure from this*
22 *fund.*

23 ~~(e)~~

24 *(3) All funds moneys received by a trial superior court from*
25 *any source for court operating and program purposes shall be*
26 *deposited in the trial court operations fund, except as provided in*
27 *this section subdivision. Funds Moneys that are received to fulfill*
28 *the requirements of Article 4 (commencing with Section 4250) of*
29 *Chapter 2 of Part 2 of Division 9 and Division 14 (commencing*
30 *with Section 10000) of the Family Code shall be identified and*
31 *maintained in a separate account established in the fund for this*
32 *purpose. All other funds moneys that are received for purposes*
33 *other than court operations, as defined in Section 77003 and Rule*
34 *810 of the California Rules of Court, shall be identified and*
35 *maintained in one or more separate accounts established in the*
36 *fund pursuant to procedures adopted by the Judicial Council.*
37 *This subdivision shall only apply to funds moneys received by*
38 *the courts for operating and program purposes. This subdivision*
39 *shall not apply to either of the following:*

40 ~~(1) Funds~~

1 (A) Moneys received by the courts pursuant to Section 68084,
2 if those funds are not for *court* operating or program-use
3 purposes.

4 ~~(2)~~

5 (B) Payments from a party or a defendant received by a trial
6 court or the county for any fees, fines, or forfeitures; money
7 collected by the superior court under Chapter 5.8 (commencing
8 with Section 70600); or fees and fines to which Section 68085.1
9 applies.

10 ~~(d)~~

11 (4) Interest received by a county that is attributable to
12 investment of money, *which interest is* required by this section
13 subdivision to be deposited in its Trial Court Operations Fund the
14 superior court's fund, shall be deposited in the fund and shall be
15 used for trial court operations purposes.

16 ~~(e)~~

17 (5) In no event shall interest be charged to the Trial Court
18 Operations Fund superior court's fund, except as provided in
19 Section 77009.1.

20 ~~(f)~~

21 (6) Reasonable administrative expenses incurred by the county
22 associated with the operation of this fund shall be charged to
23 each the superior court on a pro rata basis in proportion to the
24 total amount allocated to each court in this fund.

25 ~~(g)~~

26 (7) A county, or city and county, may bill trial courts the
27 superior court within its jurisdiction for costs for services
28 provided by the county, or city and county, as described in
29 Sections 77003 and 77212, including indirect costs as described
30 in paragraph (7) of subdivision (a) of Section 77003 and Section
31 77212. The costs billed by the county, or the city and the county,
32 pursuant to this subdivision shall not exceed the costs incurred by
33 the county, or the city and the county, of providing similar
34 services to county departments or special districts.

35 ~~(h)~~

36 (8) Pursuant to Section 77206, the Controller, at the request of
37 the Legislature, may perform financial and fiscal compliance
38 audits of this fund. The Judicial Council or its representatives
39 may perform audits and, reviews, and investigations of this fund
40 wherever the records may be located.

~~(i) The Judicial Council, in consultation with the Controller's office, shall establish procedures to implement this section and to provide for payment of trial court operations expenses, as described in Sections 77003 and 77006.5, incurred on July 1, 1997, and thereafter.~~

~~(j) Notwithstanding any other provision of law, including, but not limited to, this section, the Judicial Council may establish trial court operations funds separate from the county treasury. The operations funds may supersede those provided for under this section and may require the courts to include any or all money under the control of the court in the funds.~~

~~(h) The Judicial Council or its representatives may perform audits, reviews, and investigations of superior court operations and records wherever they may be located.~~

SEC. 150. Section 77200 of the Government Code is amended to read:

77200. On and after July 1, 1997, the state shall assume sole responsibility for the funding of court operations, as defined in Section 77003 and Rule 810 of the California Rules of Court as it read on July 1, 1996. In meeting this responsibility, the state shall do all of the following:

(a) Deposit in the State Trial Court Trust Fund, for subsequent allocation to or for the trial courts, all county funds remitted to the state pursuant to Section 77201 until June 30, 1998, and pursuant to Section 77201.1, thereafter.

(b) Be responsible for the cost of court operations incurred by the trial courts in the 1997–98 fiscal year and subsequent fiscal years.

(c) Allocate funds to the individual trial courts pursuant to an allocation schedule adopted by the Judicial Council, but in no case shall the amount allocated to the trial courts of court in a county be less than the amount remitted to the state by the county in which ~~those courts are~~ *that court is* located pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201 until June 30, 1998, and pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201.1, thereafter.

(d) The Judicial Council shall submit its allocation schedule to the Controller at least ~~15~~ 5 days before the due date of any allocation.

SEC. 151. Section 77205 of the Government Code is amended to read:

77205. (a) Notwithstanding any other provision of law, in any year in which a county collects fee, fine, and forfeiture revenue for deposit into the county general fund pursuant to Sections 1463.001 and 1464 of the Penal Code, Sections 42007, 42007.1, and 42008 of the Vehicle Code, and Sections 27361 and 76000 of, and subdivision (f) of Section 29550 of, the Government Code that would have been deposited into the General Fund pursuant to these sections as they read on December 31, 1997, and pursuant to Section 1463.07 of the Penal Code, and that exceeds the amount specified in paragraph (2) of subdivision (b) of Section 77201 for the 1997–98 fiscal year, and paragraph (2) of subdivision (b) of Section 77201.1 for the 1998–99 fiscal year, and thereafter, the excess amount shall be divided between the county or city and county and the state, with 50 percent of the excess transferred to the state for deposit in the Trial Court Improvement Fund and 50 percent of the excess deposited into the county general fund. The Judicial Council, ~~by court rule~~, shall allocate 80 percent of the amount deposited in the Trial Court Improvement Fund pursuant to this subdivision each fiscal year that exceeds the amount deposited in the 2002–03 fiscal year among:

(1) The trial court in the county from which the revenue was deposited.

(2) Other trial courts, as provided in paragraph (1) of subdivision (a) of Section 68085.

(3) For retention in the Trial Court Improvement Fund.

For the purpose of this subdivision, fee, fine, and forfeiture revenue shall only include revenue that would otherwise have been deposited in the General Fund prior to January 1, 1998.

(b) Any amounts required to be distributed to the state pursuant to subdivision (a) shall be remitted to the Controller no later than 45 days after the end of the fiscal year in which those fees, fines, and forfeitures were collected. This remittance shall be accompanied by a remittance advice identifying the quarter of collection and stating that the amount should be deposited in the Trial Court Improvement Fund.

(c) Notwithstanding subdivision (a), the following counties whose base-year remittance requirement was reduced pursuant to

subdivision (c) of Section 77201.1 shall not be required to split their annual fee, fine, and forfeiture revenues as provided in this section until such revenues exceed the following amounts:

| County | Amount |
|------------------|--------------|
| Placer..... | \$ 1,554,677 |
| Riverside..... | 11,028,078 |
| San Joaquin..... | 3,694,810 |
| San Mateo..... | 5,304,995 |
| Ventura..... | 4,637,294 |

SEC. 152. Section 77207.5 is added to the Government Code, to read:

77207.5. (a) The Judicial Council shall make monthly allocations to the trial courts from the Trial Court Trust Fund for automated systems as provided in this section. These funds shall be used for the development and implementation of automated systems as described in subdivision (a) of Section 68090.8.

(b) The amount allocated annually to each trial court shall be the amount stated in this subdivision, which is based on the revenue collected in the local 2 percent automation funds in the 1994-95 fiscal year. The amounts are as follows:

| Jurisdiction | Amount |
|-------------------|-----------|
| Alameda..... | \$424,792 |
| Alpine..... | 2,034 |
| Amador..... | 11,006 |
| Butte..... | 59,332 |
| Calaveras..... | 18,652 |
| Colusa..... | 13,708 |
| Contra Costa..... | 218,186 |
| Del Norte..... | 11,208 |
| El Dorado..... | 54,374 |
| Fresno..... | 181,080 |
| Glenn..... | 19,264 |
| Humboldt..... | 48,160 |
| Imperial..... | 67,678 |
| Inyo..... | 30,402 |
| Kern..... | 277,328 |
| Kings..... | 57,026 |

| | | |
|----|------------------------------|-----------|
| 1 | <i>Lake</i> | 20,328 |
| 2 | <i>Lassen</i> | 20,156 |
| 3 | <i>Los Angeles</i> | 3,144,530 |
| 4 | <i>Madera</i> | 52,502 |
| 5 | <i>Marin</i> | 114,766 |
| 6 | <i>Mariposa</i> | 3,904 |
| 7 | <i>Mendocino</i> | 30,068 |
| 8 | <i>Merced</i> | 55,652 |
| 9 | <i>Modoc</i> | 6,134 |
| 10 | <i>Mono</i> | 12,446 |
| 11 | <i>Monterey</i> | 183,464 |
| 12 | <i>Napa</i> | 30,550 |
| 13 | <i>Nevada</i> | 49,946 |
| 14 | <i>Orange</i> | 923,882 |
| 15 | <i>Placer</i> | 77,378 |
| 16 | <i>Plumas</i> | 9,206 |
| 17 | <i>Riverside</i> | 532,226 |
| 18 | <i>Sacramento</i> | 340,254 |
| 19 | <i>San Benito</i> | 14,700 |
| 20 | <i>San Bernardino</i> | 435,474 |
| 21 | <i>San Diego</i> | 718,442 |
| 22 | <i>San Francisco</i> | 272,528 |
| 23 | <i>San Joaquin</i> | 201,698 |
| 24 | <i>San Luis Obispo</i> | 130,020 |
| 25 | <i>San Mateo</i> | 329,518 |
| 26 | <i>Santa Barbara</i> | 162,858 |
| 27 | <i>Santa Clara</i> | 452,782 |
| 28 | <i>Santa Cruz</i> | 113,210 |
| 29 | <i>Shasta</i> | 44,394 |
| 30 | <i>Sierra</i> | 1,830 |
| 31 | <i>Siskiyou</i> | 37,000 |
| 32 | <i>Solano</i> | 119,364 |
| 33 | <i>Sonoma</i> | 119,004 |
| 34 | <i>Stanislaus</i> | 88,718 |
| 35 | <i>Sutter</i> | 37,382 |
| 36 | <i>Tehama</i> | 28,100 |
| 37 | <i>Trinity</i> | 7,648 |
| 38 | <i>Tulare</i> | 204,932 |
| 39 | <i>Tuolumne</i> | 16,642 |
| 40 | <i>Ventura</i> | 205,304 |

| | | |
|---|-----------|--------|
| 1 | Yolo..... | 48,556 |
| 2 | Yuba..... | 15,788 |

3

4 *SEC. 153. Section 77209 of the Government Code is amended*
5 *to read:*

6 77209. (a) There is in the State Treasury the Trial Court
7 Improvement Fund.

8 (b) The Judicial Council shall ~~reserve funds for the following~~
9 ~~projects by allocating 1 percent of the annual appropriation for~~
10 ~~the trial courts to the Trial Court Improvement Fund as follows:~~

11 ~~(1) At set aside at least one-half of 1 percent of the total~~
12 ~~appropriation for trial court operations shall be set aside as a~~
13 ~~reserve which shall not be allocated prior to March 15 of each~~
14 ~~year unless allocated to a court or courts for urgent needs.~~

15 ~~(2) Up to one-quarter of 1 percent of the total appropriation for~~
16 ~~trial court operations may be allocated from the fund to courts~~
17 ~~which have fully unified to the extent permitted by law and~~
18 ~~which meet additional criteria as may be established by the~~
19 ~~Judicial Council.~~

20 ~~(3) Up to one-quarter of 1 percent of the total appropriation for~~
21 ~~trial court operations may be allocated from the fund for~~
22 ~~statewide projects or programs for the benefit of the trial courts.~~

23 (c) Any funds in the Trial Court Improvement Fund that are
24 unencumbered at the end of the fiscal year shall be
25 reappropriated to the Trial Court Improvement Fund for the
26 following fiscal year.

27 (d) Moneys deposited in the Trial Court Improvement Fund
28 shall be placed in an interest bearing account. Any interest earned
29 shall accrue to the fund and shall be disbursed pursuant to
30 subdivision (e).

31 (e) Moneys deposited in the Trial Court Improvement Fund
32 may be disbursed for purposes of this section.

33 (f) Moneys deposited in the Trial Court Improvement Fund
34 pursuant to Section 68090.8 shall be allocated by the Judicial
35 Council for automated ~~recordkeeping~~ system improvements
36 pursuant to that section and in furtherance of Rule 991 of the
37 California Rules of Court, as it read on July 1, 1996.

38 (g) Moneys deposited in the Trial Court Improvement Fund
39 shall be administered by the Judicial Council. The Judicial
40 Council may, with appropriate guidelines, delegate to the

Administrative Director of the Courts the administration of the fund. Moneys in the fund may be expended to implement trial court projects approved by the Judicial Council. Expenditures may be made to vendors or individual trial courts that have the responsibility to implement approved projects.

(h) Notwithstanding other provisions of this section, the 2 percent automation fund moneys deposited in the Trial Court Improvement Fund pursuant to Section 68090.8 shall be allocated by the Judicial Council to ~~individual courts of the counties for deposit in the Trial Court Operations Fund of the county from which the money was collected in an amount not less than the revenues collected in the local 2 percent automation funds in fiscal year 1994-95 statewide initiatives related to trial court automation and their implementation.~~ The Judicial Council shall allocate the remainder of the moneys deposited in the Trial Court Improvement Fund as specified in this section.

For the purposes of this subdivision, the term “2 percent automation fund” means the fund established pursuant to Section 68090.8 as it read on June 30, 1996.

(i) Royalties received from the publication of uniform jury instructions shall be deposited in the Trial Court Improvement Fund and used for the improvement of the jury system.

(j) The Judicial Council shall present an annual report to the Legislature on the use of the Trial Court Improvement Fund. The report shall include appropriate recommendations.

SEC. 154. Section 100430 of the Health and Safety Code is amended to read:

100430. (a) The fees or charges for a record search or for the issuance of any license, permit, registration, or any other document pursuant to ~~Sections~~ *Section 26832; or 26840, and 26859* of the Government Code, or ~~Sections~~ *Section 102525, 102625, 102670, 102725, 102750, 103050, 103065, 103225, 103325, 103400, 103425, 103450, 103525, 103590, 103595, 103625, 103650, 103675, 103690, 103695, 103700, 103705, 103710, 103715, 103720, 103725, 103730, and or 103735* of this code, may be adjusted annually by the percentage change determined pursuant to Section 100425.

The base amount to be adjusted shall be the statutory base amount of the fee or charge plus the sum of the prior adjustments to the statutory base amount. Whenever the statutory base

1 amount is amended, the base amount shall be the new statutory
2 base amount plus the sum of adjustments to the new statutory
3 base amount calculated subsequent to the statutory base
4 amendment. The actual dollar fee or charge shall be rounded to
5 the next highest whole dollar.

6 (b) Beginning January 1, 1983, the department shall annually
7 publish a list of the actual numerical fee charges as adjusted
8 pursuant to this section. This adjustment of fees and the
9 publication of the fee list shall not be subject to the requirements
10 of Chapter 3.5 (commencing with Section 11340) of Part 1 of
11 Division 3 of Title 2 of the Government Code.

12 *SEC. 155. Section 103470 of the Health and Safety Code is*
13 *amended to read:*

14 103470. The fee for filing the petition ~~shall be six dollars~~
15 ~~(\$6), plus the law library fee of the county. In counties having~~
16 ~~more than one superior court judge, the is one hundred eighty~~
17 ~~dollars (\$180). This fee shall be distributed as provided in~~
18 ~~Section 68085.4 of the Government Code. The petition may be~~
19 ~~heard by any judge thereof hearing probate matters, or if a~~
20 ~~probate department has been designated for hearing probate~~
21 ~~matters, the clerk shall assign the matter shall be assigned to the~~
22 ~~probate department for hearing.~~

23 *SEC. 156. Section 103730 of the Health and Safety Code is*
24 *amended to read:*

25 103730. A fee of ~~eleven dollars (\$11)~~ *twenty dollars (\$20)* for
26 each individual being adopted shall be paid to the ~~county clerk of~~
27 ~~the court~~ at the time of filing the petition in an adoption
28 proceeding, except for agency adoptions in which the adoption
29 fee is waived and a statement from the agency to this effect is
30 filed with the petition, ~~and that. The fee shall be paid monthly by~~
31 ~~the county clerk to the State Registrar of Vital Statistics~~
32 ~~transmitted to the State Treasury, as provided in Section 68085.1~~
33 ~~of the Government Code, for deposit in the Health Statistics~~
34 ~~Special Fund for the services required by statute of that the office~~
35 ~~of the State Registrar of Vital Statistics.~~

36 *SEC. 157. Section 98.2 of the Labor Code is amended to*
37 *read:*

38 98.2. (a) Within 10 days after service of notice of an order,
39 decision, or award the parties may seek review by filing an
40 appeal to the superior court, where the appeal shall be heard de

1 *novο. The court shall charge the first paper filing fee under*
2 *Section 70611 of the Government Code to the party seeking*
3 *review. The fee shall distributed as provided in Section 68085.3*
4 *of the Government Code. A copy of the appeal request shall be*
5 *served upon the Labor Commissioner by the appellant. For*
6 *purposes of computing the 10-day period after service, Section*
7 *1013 of the Code of Civil Procedure is applicable.*

8 (b) Whenever an employer files an appeal pursuant to this
9 section, the employer shall post an undertaking with the
10 reviewing court in the amount of the order, decision, or award.
11 The undertaking shall consist of an appeal bond issued by a
12 licensed surety or a cash deposit with the court in the amount of
13 the order, decision, or award. The employer shall provide written
14 notification to the other parties and the Labor Commissioner of
15 the posting of the undertaking. The undertaking shall be on the
16 condition that, if any judgment is entered in favor of the
17 employee, the employer shall pay the amount owed pursuant to
18 the judgment, and if the appeal is withdrawn or dismissed
19 without entry of judgment, the employer shall pay the amount
20 owed pursuant to the order, decision, or award of the Labor
21 Commissioner unless the parties have executed a settlement
22 agreement for payment of some other amount, in which case the
23 employer shall pay the amount that the employer is obligated to
24 pay under the terms of the settlement agreement. If the employer
25 fails to pay the amount owed within 10 days of entry of the
26 judgment, dismissal, or withdrawal of the appeal, or the
27 execution of a settlement agreement, a portion of the undertaking
28 equal to the amount owed, or the entire undertaking if the amount
29 owed exceeds the undertaking, is forfeited to the employee.

30 (c) If the party seeking review by filing an appeal to the
31 superior court is unsuccessful in the appeal, the court shall
32 determine the costs and reasonable attorney's fees incurred by
33 the other parties to the appeal, and assess that amount as a cost
34 upon the party filing the appeal. An employee is successful if the
35 court awards an amount greater than zero.

36 (d) If no notice of appeal of the order, decision, or award is
37 filed within the period set forth in subdivision (a), the order,
38 decision, or award shall, in the absence of fraud, be deemed the
39 final order.

(e) The Labor Commissioner shall file, within 10 days of the order becoming final pursuant to subdivision (d), a certified copy of the final order with the clerk of the superior court of the appropriate county unless a settlement has been reached by the parties and approved by the Labor Commissioner. Judgment shall be entered immediately by the court clerk in conformity therewith. The judgment so entered has the same force and effect as, and is subject to all of the provisions of law relating to, a judgment in a civil action, and may be enforced in the same manner as any other judgment of the court in which it is entered. Enforcement of the judgment shall receive court priority.

(f) (1) In order to ensure that judgments are satisfied, the Labor Commissioner may serve upon the judgment debtor, personally or by first-class mail at the last known address of the judgment debtor listed with the division, a form similar to, and requiring the reporting of the same information as, the form approved or adopted by the Judicial Council for purposes of subdivision (a) of Section 116.830 of the Code of Civil Procedure to assist in identifying the nature and location of any assets of the judgment debtor.

(2) The judgment debtor shall complete the form and cause it to be delivered to the division at the address listed on the form within 35 days after the form has been served on the judgment debtor, unless the judgment has been satisfied. In case of willful failure by the judgment debtor to comply with this subdivision, the division or the judgment creditor may request the court to apply the sanctions provided in Section 708.170 of the Code of Civil Procedure.

(g) Notwithstanding subdivision (e), the Labor Commissioner may stay execution of any judgment entered upon an order, decision, or award that has become final upon good cause appearing therefor and may impose the terms and conditions of the stay of execution. A certified copy of the stay of execution shall be filed with the clerk entering the judgment.

(h) When a judgment is satisfied in fact, other than by execution, the Labor Commissioner may, upon the motion of either party or on its own motion, order entry of satisfaction of judgment. The clerk of the court shall enter a satisfaction of judgment upon the filing of a certified copy of the order.

1 (i) The Labor Commissioner shall make every reasonable
2 effort to ensure that judgments are satisfied, including taking all
3 appropriate legal action and requiring the employer to deposit a
4 bond as provided in Section 240.

5 (j) The judgment creditor, or the Labor Commissioner as
6 assignee of the judgment creditor, is entitled to court costs and
7 reasonable attorney's fees for enforcing the judgment that is
8 rendered pursuant to this section.

9 ~~SEC. 17.—~~

10 *SEC. 158.* Section 123.6 of the Labor Code is amended to
11 read:

12 123.6. (a) All workers' compensation administrative law
13 judges employed by the administrative director and supervised
14 by the court administrator shall subscribe to the Code of Judicial
15 Ethics adopted by the Supreme Court pursuant to subdivision (m)
16 of Section 18 of Article VI of the California Constitution for the
17 conduct of judges and shall not otherwise, directly or indirectly,
18 engage in conduct contrary to that code or to the commentary to
19 the Code of Judicial Ethics.

20 In consultation with both the court administrator and the
21 Commission on Judicial Performance, the administrative director
22 shall adopt regulations to enforce this section. Existing
23 regulations shall remain in effect until new regulations based on
24 the recommendations of the court administrator and the
25 Commission on Judicial Performance have become effective. To
26 the extent possible, the rules shall be consistent with the
27 procedures established by the Commission on Judicial
28 Performance for regulating the activities of state judges, and, to
29 the extent possible, with the gift, honoraria, and travel
30 restrictions on legislators contained in the Political Reform Act
31 of 1974 (Title 9 (commencing with Section 81000) of the
32 Government Code). The court administrator shall have the
33 authority to enforce the rules adopted by the administrative
34 director.

35 (b) Honoraria or travel allowed by the court administrator, and
36 not otherwise prohibited by this section in connection with any
37 public or private conference, convention, meeting, social event,
38 or like gathering, the cost of which is significantly paid for by
39 attorneys who practice before the board, may not be accepted
40 unless the court administrator has provided prior approval in

1 writing to the workers' compensation administrative law judge
2 allowing him or her to accept those payments.

3 *SEC. 159. Section 1835 of the Probate Code is amended to*
4 *read:*

5 1835. (a) ~~Every county, either through the appropriate court~~
6 ~~or the office of the public conservator, superior court~~ shall
7 provide all private conservators with written information
8 concerning a conservator's rights, duties, limitations, and
9 responsibilities under this division.

10 (b) The information to be provided shall include, but need not
11 be limited to, the following:

12 (1) The rights, duties, limitations, and responsibilities of a
13 conservator.

14 (2) The rights of a conservatee.

15 (3) How to assess the needs of the conservatee.

16 (4) How to use community-based services to meet the needs of
17 the conservatee.

18 (5) How to ensure that the conservatee is provided with the
19 least restrictive possible environment.

20 (6) The court procedures and processes relevant to
21 conservatorships.

22 (7) The procedures for inventory and appraisal, and the filing
23 of accounts.

24 (c) An information package shall be developed by the Judicial
25 Council, after consultation with the following organizations or
26 individuals:

27 (1) The California State Association of Public Administrators,
28 Public Guardians, and Public Conservators, or other comparable
29 organizations.

30 (2) The State Bar.

31 (3) Individuals or organizations, approved by the Judicial
32 Council, who represent court investigators, specialists with
33 experience in performing assessments and coordinating
34 community-based services, and legal services programs for the
35 elderly.

36 (d) ~~The failure of any court, public guardian, public officer, or~~
37 ~~public agency, or any employee or agent thereof, to provide~~
38 ~~information to a conservator as required by this section does not:~~

39 (1) Relieve the conservator of any of the conservator's duties
40 as required by this division.

1 (2) Make the court, ~~public guardian, public officer, or public~~
2 ~~agency~~, or the employee or agent thereof, liable, in either a
3 personal or official capacity, for damages to a conservatee,
4 conservator, the conservatorship of a person or an estate, or any
5 other person or entity.

6 (e) The information package shall be made available to
7 individual ~~counties~~ courts. The Judicial Council shall
8 periodically update the information package when changes in the
9 law warrant revision. The revisions shall be provided to
10 individual ~~counties~~ courts.

11 (f) To cover the costs of providing the written information
12 required by this section, a ~~county~~ court may charge each private
13 conservator a fee, ~~not to exceed~~ of twenty dollars (\$20) *which*
14 *shall be distributed to the court in which it was collected.*

15 SEC. 160. Section 2343 of the Probate Code is amended to
16 read:

17 2343. The clerk of the court shall charge each private
18 professional conservator or private professional guardian an
19 annual filing fee ~~which~~ that does not exceed the average
20 per-conservator or per-guardian annual cost in complying with
21 this article. This fee shall also include the cost of submitting the
22 fingerprint card to the Department of Justice. *This fee shall be*
23 *distributed to the court in which it was collected.*

24 SEC. 161. Section 7660 of the Probate Code is amended to
25 read:

26 7660. (a) If a public administrator takes possession or control
27 of an estate pursuant to this chapter, the public administrator
28 may, acting as personal representative of the estate, summarily
29 dispose of the estate in the manner provided in this article in
30 either of the following circumstances:

31 (1) The total value of the property in the decedent's estate
32 does not exceed the amount prescribed in Section 13100. The
33 authority provided by this paragraph may be exercised only upon
34 order of the court. The order may be made upon ex parte
35 application. The fee to be allowed to the clerk for the filing of the
36 application ~~shall be set by the court~~ *is one hundred eighty dollars*
37 *(\$180)*. The authority for this summary administration of the
38 estate shall be evidenced by a court order for summary
39 disposition.

1 (2) The total value of the property in the decedent's estate
2 does not exceed thirty thousand dollars (\$30,000). The authority
3 provided by this paragraph may be exercised without court
4 authorization.

5 (A) A public administrator who is authorized to summarily
6 dispose of property of a decedent pursuant to this paragraph may
7 issue a written certification of Authority for Summary
8 Administration. The written certification is effective for 30 days
9 after the date of issuance.

10 (B) A financial institution, government or private agency,
11 retirement fund administrator, insurance company, licensed
12 securities dealer, or other person shall, without the necessity of
13 inquiring into the truth of the written certification of Authority
14 for Summary Administration and without court order or letters
15 being issued do all of the following:

16 (i) Provide the public administrator complete information
17 concerning any property held in the name of the decedent,
18 including the names and addresses of any beneficiaries or joint
19 owners.

20 (ii) Grant the public administrator access to a safe-deposit box
21 or storage facility rented in the name of the decedent for the
22 purpose of inspection and removal of property of the decedent.
23 Costs and expenses incurred in accessing a safe-deposit box or
24 storage facility shall be borne by the estate of the decedent.

25 (iii) Surrender to the public administrator any property of the
26 decedent that is held or controlled by the financial institution,
27 agency, retirement fund administrator, insurance company,
28 licensed securities dealer, or other person.

29 (C) Receipt by a financial institution, government or private
30 agency, retirement fund administrator, insurance company,
31 licensed securities dealer, or other person of the written
32 certification provided by this article shall do both of the
33 following:

34 (i) Constitute sufficient acquittance for providing information
35 or granting access to a safe-deposit box or a storage facility and
36 for surrendering any property of the decedent.

37 (ii) Fully discharge the financial institution, government or
38 private agency, retirement fund administrator, insurance
39 company, licensed securities dealer, or other person from liability

1 for any act or omission of the public administrator with respect to
2 the property, a safe-deposit box, or a storage facility.

3 (b) Summary disposition may be made notwithstanding the
4 existence of the decedent's will, if the will does not name an
5 executor or if the named executor refuses to act.

6 (c) Nothing in this article precludes the public administrator
7 from filing a petition with the court under any other provision of
8 this code concerning the administration of the decedent's estate.

9 (d) Petitions filed pursuant to this article shall contain the
10 information required by Section 8002.

11 (e) If a public administrator takes possession or control of an
12 estate pursuant to this chapter, this article conveys the authority
13 of a personal representative as described in Section 9650 to the
14 public administrator to summarily dispose of the estates pursuant
15 to the procedures described in paragraphs (1) and (2) of
16 subdivision (a).

17 (f) *The fee charged under paragraph (1) of subdivision (a)*
18 *shall be distributed as provided in Section 68085.4 of the*
19 *Government Code. When an application is filed under that*
20 *paragraph, no other fees shall be charged in addition to the*
21 *uniform filing fee provided for in Section 68085.4 of the*
22 *Government Code.*

23 SEC. 162. *Section 13201 of the Probate Code is amended to*
24 *read:*

25 13201. Notwithstanding any other provision of law, the total
26 fee for the filing of an affidavit under Section 13200 and the
27 issuance of one certified copy of the affidavit under Section
28 13202 is ~~thirty-five dollars (\$35)~~ *as provided in subdivision (b)*
29 *of Section 70626 of the Government Code.*

30 SEC. 163. *Section 14607.6 of the Vehicle Code is amended to*
31 *read:*

32 14607.6. (a) Notwithstanding any other provision of law, and
33 except as provided in this section, a motor vehicle is subject to
34 forfeiture as a nuisance if it is driven on a highway in this state
35 by a driver with a suspended or revoked license, or by an
36 unlicensed driver, who is a registered owner of the vehicle at the
37 time of impoundment and has a previous misdemeanor
38 conviction for a violation of subdivision (a) of Section 12500 or
39 Section 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5.

1 (b) A peace officer shall not stop a vehicle for the sole reason
2 of determining whether the driver is properly licensed.

3 (c) (1) If a driver is unable to produce a valid driver's license
4 on the demand of a peace officer enforcing the provisions of this
5 code, as required by subdivision (b) of Section 12951, the vehicle
6 shall be impounded regardless of ownership, unless the peace
7 officer is reasonably able, by other means, to verify that the
8 driver is properly licensed. Prior to impounding a vehicle, a
9 peace officer shall attempt to verify the license status of a driver
10 who claims to be properly licensed but is unable to produce the
11 license on demand of the peace officer.

12 (2) A peace officer shall not impound a vehicle pursuant to
13 this subdivision if the license of the driver expired within the
14 preceding 30 days and the driver would otherwise have been
15 properly licensed.

16 (3) A peace officer may exercise discretion in a situation
17 where the driver without a valid license is an employee driving a
18 vehicle registered to the employer in the course of employment.
19 A peace officer may also exercise discretion in a situation where
20 the driver without a valid license is the employee of a bona fide
21 business establishment or is a person otherwise controlled by
22 such an establishment and it reasonably appears that an owner of
23 the vehicle, or an agent of the owner, relinquished possession of
24 the vehicle to the business establishment solely for servicing or
25 parking of the vehicle or other reasonably similar situations, and
26 where the vehicle was not to be driven except as directly
27 necessary to accomplish that business purpose. In this event, if
28 the vehicle can be returned to or be retrieved by the business
29 establishment or registered owner, the peace officer may release
30 and not impound the vehicle.

31 (4) A registered or legal owner of record at the time of
32 impoundment may request a hearing to determine the validity of
33 the impoundment pursuant to subdivision (n).

34 (5) If the driver of a vehicle impounded pursuant to this
35 subdivision was not a registered owner of the vehicle at the time
36 of impoundment, or if the driver of the vehicle was a registered
37 owner of the vehicle at the time of impoundment but the driver
38 does not have a previous conviction for a violation of subdivision
39 (a) of Section 12500 or Section 14601, 14601.1, 14601.2,

1 14601.3, 14601.4, or 14601.5, the vehicle shall be released
2 pursuant to this code and is not subject to forfeiture.

3 (d) (1) This subdivision applies only if the driver of the
4 vehicle is a registered owner of the vehicle at the time of
5 impoundment. Except as provided in paragraph (5) of
6 subdivision (c), if the driver of a vehicle impounded pursuant to
7 subdivision (c) was a registered owner of the vehicle at the time
8 of impoundment, the impounding agency shall authorize release
9 of the vehicle if, within three days of impoundment, the driver of
10 the vehicle at the time of impoundment presents his or her valid
11 driver's license, including a valid temporary California driver's
12 license or permit, to the impounding agency. The vehicle shall
13 then be released to a registered owner of record at the time of
14 impoundment, or an agent of that owner authorized in writing,
15 upon payment of towing and storage charges related to the
16 impoundment, and any administrative charges authorized by
17 Section 22850.5, providing that the person claiming the vehicle is
18 properly licensed and the vehicle is properly registered. A
19 vehicle impounded pursuant to the circumstances described in
20 paragraph (3) of subdivision (c) shall be released to a registered
21 owner whether or not the driver of the vehicle at the time of
22 impoundment presents a valid driver's license.

23 (2) If there is a community property interest in the vehicle
24 impounded pursuant to subdivision (c), owned at the time of
25 impoundment by a person other than the driver, and the vehicle is
26 the only vehicle available to the driver's immediate family that
27 may be operated with a class C driver's license, the vehicle shall
28 be released to a registered owner or to the community property
29 interest owner upon compliance with all of the following
30 requirements:

31 (A) The registered owner or the community property interest
32 owner requests release of the vehicle and the owner of the
33 community property interest submits proof of that interest.

34 (B) The registered owner or the community property interest
35 owner submits proof that he or she, or an authorized driver, is
36 properly licensed and that the impounded vehicle is properly
37 registered pursuant to this code.

38 (C) All towing and storage charges related to the
39 impoundment and any administrative charges authorized
40 pursuant to Section 22850.5 are paid.

1 (D) The registered owner or the community property interest
2 owner signs a stipulated vehicle release agreement, as described
3 in paragraph (3), in consideration for the nonforfeiture of the
4 vehicle. This requirement applies only if the driver requests
5 release of the vehicle.

6 (3) A stipulated vehicle release agreement shall provide for the
7 consent of the signator to the automatic future forfeiture and
8 transfer of title to the state of any vehicle registered to that
9 person, if the vehicle is driven by a driver with a suspended or
10 revoked license, or by an unlicensed driver. The agreement shall
11 be in effect for only as long as it is noted on a driving record
12 maintained by the department pursuant to Section 1806.1.

13 (4) The stipulated vehicle release agreement described in
14 paragraph (3) shall be reported by the impounding agency to the
15 department not later than 10 days after the day the agreement is
16 signed.

17 (5) No vehicle shall be released pursuant to paragraph (2) if
18 the driving record of a registered owner indicates that a prior
19 stipulated vehicle release agreement was signed by that person.

20 (e) (1) The impounding agency, in the case of a vehicle that
21 has not been redeemed pursuant to subdivision (d), or that has
22 not been otherwise released, shall promptly ascertain from the
23 department the names and addresses of all legal and registered
24 owners of the vehicle.

25 (2) The impounding agency, within two days of impoundment,
26 shall send a notice by certified mail, return receipt requested, to
27 all legal and registered owners of the vehicle, at the addresses
28 obtained from the department, informing them that the vehicle is
29 subject to forfeiture and will be sold or otherwise disposed of
30 pursuant to this section. The notice shall also include instructions
31 for filing a claim with the district attorney, and the time limits for
32 filing a claim. The notice shall also inform any legal owner of its
33 right to conduct the sale pursuant to subdivision (g). If a
34 registered owner was personally served at the time of
35 impoundment with a notice containing all the information
36 required to be provided by this paragraph, no further notice is
37 required to be sent to a registered owner. However, a notice shall
38 still be sent to the legal owners of the vehicle, if any. If notice
39 was not sent to the legal owner within two working days, the
40 impounding agency shall not charge the legal owner for more

1 than 15-days' impoundment when the legal owner redeems the
2 impounded vehicle.

3 (3) No processing charges shall be imposed on a legal owner
4 who redeems an impounded vehicle within 15 days of the
5 impoundment of that vehicle. If no claims are filed and served
6 within 15 days after the mailing of the notice in paragraph (2), or
7 if no claims are filed and served within five days of personal
8 service of the notice specified in paragraph (2), when no other
9 mailed notice is required pursuant to paragraph (2), the district
10 attorney shall prepare a written declaration of forfeiture of the
11 vehicle to the state. A written declaration of forfeiture signed by
12 the district attorney under this subdivision shall be deemed to
13 provide good and sufficient title to the forfeited vehicle. A copy
14 of the declaration shall be provided on request to any person
15 informed of the pending forfeiture pursuant to paragraph (2). A
16 claim that is filed and is later withdrawn by the claimant shall be
17 deemed not to have been filed.

18 (4) If a claim is timely filed and served, then the district
19 attorney shall file a petition of forfeiture with the appropriate
20 juvenile, ~~municipal~~, or superior court within 10 days of the
21 receipt of the claim. The district attorney shall establish an
22 expedited hearing date in accordance with instructions from the
23 court, and the court shall hear the matter without delay. The court
24 filing fee, ~~not to exceed fifty dollars (\$50)~~, *of one hundred*
25 *dollars (\$100)* shall be paid by the claimant, but shall be
26 reimbursed by the impounding agency if the claimant prevails.
27 To the extent practicable, the civil and criminal cases shall be
28 heard at the same time in an expedited, consolidated proceeding.
29 A proceeding in the civil case is a limited civil case.

30 (5) The burden of proof in the civil case shall be on the
31 prosecuting agency, by a preponderance of the evidence. All
32 questions that may arise shall be decided and all other
33 proceedings shall be conducted as in an ordinary civil action. A
34 judgment of forfeiture does not require as a condition precedent
35 the conviction of a defendant of an offense which made the
36 vehicle subject to forfeiture. The filing of a claim within the time
37 limits specified in paragraph (3) is considered a jurisdictional
38 prerequisite for the availing of the action authorized by that
39 paragraph.

1 (6) All right, title, and interest in the vehicle shall vest in the
2 state upon commission of the act giving rise to the forfeiture.

3 (7) *The filing fee in paragraph (4) shall be distributed as*
4 *follows:*

5 (A) *To the county law library fund as provided in Section 6320*
6 *of the Business and Professions Code, the amount specified in*
7 *Sections 6321 and 6322.1 of the Business and Professions Code.*

8 (B) *To the Trial Court Trust Fund, the remainder of the fee.*

9 (f) Any vehicle impounded that is not redeemed pursuant to
10 subdivision (d) and is subsequently forfeited pursuant to this
11 section shall be sold once an order of forfeiture is issued by the
12 district attorney of the county of the impounding agency or a
13 court, as the case may be, pursuant to subdivision (e).

14 (g) Any legal owner who is a motor vehicle dealer, bank,
15 credit union, acceptance corporation, or other licensed financial
16 institution legally operating in this state, or the agent of that legal
17 owner, may take possession and conduct the sale of the forfeited
18 vehicle if the legal owner or agent notifies the agency
19 impounding the vehicle of its intent to conduct the sale within 15
20 days of the mailing of the notice pursuant to subdivision (e). Sale
21 of the vehicle after forfeiture pursuant to this subdivision may be
22 conducted at the time, in the manner, and on the notice usually
23 given for the sale of repossessed or surrendered vehicles. The
24 proceeds of any sale conducted by or on behalf of the legal
25 owner shall be disposed of as provided in subdivision (i). A
26 notice pursuant to this subdivision may be presented in person,
27 by certified mail, by facsimile transmission, or by electronic
28 mail.

29 (h) If the legal owner or agent of the owner does not notify the
30 agency impounding the vehicle of its intent to conduct the sale as
31 provided in subdivision (g), the agency shall offer the forfeited
32 vehicle for sale at public auction within 60 days of receiving title
33 to the vehicle. Low value vehicles shall be disposed of pursuant
34 to subdivision (k).

35 (i) The proceeds of a sale of a forfeited vehicle shall be
36 disposed of in the following priority:

37 (1) To satisfy the towing and storage costs following
38 impoundment, the costs of providing notice pursuant to
39 subdivision (e), the costs of sale, and the unfunded costs of
40 judicial proceedings, if any.

1 (2) To the legal owner in an amount to satisfy the indebtedness
2 owed to the legal owner remaining as of the date of sale,
3 including accrued interest or finance charges and delinquency
4 charges, providing that the principal indebtedness was incurred
5 prior to the date of impoundment.

6 (3) To the holder of any subordinate lien or encumbrance on
7 the vehicle, other than a registered or legal owner, to satisfy any
8 indebtedness so secured if written notification of demand is
9 received before distribution of the proceeds is completed. The
10 holder of a subordinate lien or encumbrance, if requested, shall
11 furnish reasonable proof of its interest and, unless it does so upon
12 request, is not entitled to distribution pursuant to this paragraph.

13 (4) To any other person, other than a registered or legal owner,
14 who can reasonably establish an interest in the vehicle, including
15 a community property interest, to the extent of his or her
16 provable interest, if written notification is received before
17 distribution of the proceeds is completed.

18 (5) Of the remaining proceeds, funds shall be made available
19 to pay any local agency and court costs, that are reasonably
20 related to the implementation of this section, that remain
21 unsatisfied.

22 (6) Of the remaining proceeds, half shall be transferred to the
23 Controller for deposit in the Vehicle Inspection and Repair Fund
24 for the high-polluter repair assistance and removal program
25 created by Article 9 (commencing with Section 44090) of
26 Chapter 5 of Part 5 of Division 26 of the Health and Safety Code,
27 and half shall be transferred to the general fund of the city or
28 county of the impounding agency, or the city or county where the
29 impoundment occurred. A portion of the local funds may be used
30 to establish a reward fund for persons coming forward with
31 information leading to the arrest and conviction of hit-and-run
32 drivers and to publicize the availability of the reward fund.

33 (j) The person conducting the sale shall disburse the proceeds
34 of the sale as provided in subdivision (i) and shall provide a
35 written accounting regarding the disposition to the impounding
36 agency and, on request, to any person entitled to or claiming a
37 share of the proceeds, within 15 days after the sale is conducted.

38 (k) If the vehicle to be sold pursuant to this section is not of
39 the type that can readily be sold to the public generally, the
40 vehicle shall be conveyed to a licensed dismantler or donated to

1 an eleemosynary institution. License plates shall be removed
2 from any vehicle conveyed to a dismantler pursuant to this
3 subdivision.

4 (l) No vehicle shall be sold pursuant to this section if the
5 impounding agency determines the vehicle to have been stolen.
6 In this event, the vehicle may be claimed by the registered owner
7 at any time after impoundment, providing the vehicle registration
8 is current and the registered owner has no outstanding traffic
9 violations or parking penalties on his or her driving record or on
10 the registration record of any vehicle registered to the person. If
11 the identity of the legal and registered owners of the vehicle
12 cannot be reasonably ascertained, the vehicle may be sold.

13 (m) Any owner of a vehicle who suffers any loss due to the
14 impoundment or forfeiture of any vehicle pursuant to this section
15 may recover the amount of the loss from the unlicensed,
16 suspended, or revoked driver. If possession of a vehicle has been
17 tendered to a business establishment in good faith, and an
18 unlicensed driver employed or otherwise directed by the business
19 establishment is the cause of the impoundment of the vehicle, a
20 registered owner of the impounded vehicle may recover damages
21 for the loss of use of the vehicle from the business establishment.

22 (n) (1) The impounding agency, if requested to do so not later
23 than 10 days after the date the vehicle was impounded, shall
24 provide the opportunity for a poststorage hearing to determine
25 the validity of the storage to the persons who were the registered
26 and legal owners of the vehicle at the time of impoundment,
27 except that the hearing shall be requested within three days after
28 the date the vehicle was impounded if personal service was
29 provided to a registered owner pursuant to paragraph (2) of
30 subdivision (e) and no mailed notice is required.

31 (2) The poststorage hearing shall be conducted not later than
32 two days after the date it was requested. The impounding agency
33 may authorize its own officer or employee to conduct the hearing
34 if the hearing officer is not the same person who directed the
35 storage of the vehicle. Failure of either the registered or legal
36 owner to request a hearing as provided in paragraph (1) or to
37 attend a scheduled hearing shall satisfy the poststorage hearing
38 requirement.

39 (3) The agency employing the person who directed the storage
40 is responsible for the costs incurred for towing and storage if it is

1 determined that the driver at the time of impoundment had a
2 valid driver's license.

3 (o) As used in this section, "days" means workdays not
4 including weekends and holidays.

5 (p) Charges for towing and storage for any vehicle impounded
6 pursuant to this section shall not exceed the normal towing and
7 storage rates for other vehicle towing and storage conducted by
8 the impounding agency in the normal course of business.

9 (q) The Judicial Council and the Department of Justice may
10 prescribe standard forms and procedures for implementation of
11 this section to be used by all jurisdictions throughout the state.

12 (r) The impounding agency may act as the agent of the state in
13 carrying out this section.

14 (s) No vehicle shall be impounded pursuant to this section if
15 the driver has a valid license but the license is for a class of
16 vehicle other than the vehicle operated by the driver.

17 (t) This section does not apply to vehicles subject to Sections
18 14608 and 14609, if there has been compliance with the
19 procedures in those sections.

20 (u) As used in this section, "district attorney" includes a city
21 attorney charged with the duty of prosecuting misdemeanor
22 offenses.

23 (v) The agent of a legal owner acting pursuant to subdivision
24 (g) shall be licensed, or exempt from licensure, pursuant to
25 Chapter 11 (commencing with Section 7500) of Division 3 of the
26 Business and Professions Code.

27 ~~SEC. 18.—~~

28 *SEC. 164.* Section 16020 of the Vehicle Code is amended to
29 read:

30 16020. (a) Every driver and every owner of a motor vehicle
31 shall at all times be able to establish financial responsibility
32 pursuant to Section 16021, and shall at all times carry in the
33 vehicle evidence of the form of financial responsibility in effect
34 for the vehicle.

35 (b) "Evidence of financial responsibility" means any of the
36 following:

37 (1) A form issued by an insurance company or charitable risk
38 pool, as specified by the department pursuant to Section 4000.37.

39 (2) If the owner is a self-insurer, as provided in Section 16052
40 or a depositor, as provided in Section 16054.2, the certificate of

1 self-insurance or the assignment of deposit letter issued by the
2 department.

3 (3) An insurance covering note or binder pursuant to Section
4 382 or 382.5 of the Insurance Code.

5 (4) A showing that the vehicle is owned or leased by, or under
6 the direction of, the United States or any public entity, as defined
7 in Section 811.2 of the Government Code.

8 (c) For purposes of this section, “evidence of financial
9 responsibility” also may be obtained by a law enforcement
10 officer and court ~~personal~~ *personnel* from an electronic reporting
11 system when that system becomes available for use by law
12 enforcement officers.

13 (d) For purposes of this section, “evidence of financial
14 responsibility” also includes any of the following:

15 (1) The name of the insurance company and the number of an
16 insurance policy or surety bond that was in effect at the time of
17 the accident or at the time that evidence of financial
18 responsibility is required to be provided pursuant to Section
19 16028, if that information is contained in the vehicle registration
20 records of the department.

21 (2) The identifying motor carrier of property permit number
22 issued by the Department of the California Highway Patrol to the
23 motor carrier of property as defined in Section 34601, and
24 displayed on the motor vehicle in the manner specified by the
25 Department of the California Highway Patrol.

26 (3) The identifying number issued to the household goods
27 carrier, passenger stage carrier, or transportation charter party
28 carrier by the Public Utilities Commission and displayed on the
29 motor vehicle in the manner specified by the commission.

30 (4) The identifying number issued by the Interstate Commerce
31 Commission or its successor federal agency, if proof of financial
32 responsibility must be presented to the issuing agency as part of
33 the identification number issuance process, and displayed on the
34 motor vehicle in the manner specified by the issuing agency.

35 (e) Evidence of financial responsibility does not include any of
36 the identification numbers in paragraph (1), (2), (3), or (4) of
37 subdivision (d) if the carrier is currently suspended by the issuing
38 agency for lack or lapse of insurance or other form of financial
39 responsibility.

1 ~~SEC. 19.~~—

2 *SEC. 165.* Section 16058.1 of the Vehicle Code is amended to
3 read:

4 16058.1. The department shall develop a method by which
5 law enforcement officers and court personnel, on and after July
6 1, 2006, may electronically verify that an insurance policy or
7 bond for a motor vehicle has been issued.

8 *SEC. 166.* *Section 40230 of the Vehicle Code is amended to*
9 *read:*

10 40230. (a) Within 30 calendar days after the mailing or
11 personal delivery of the final decision described in subdivision
12 (b) of Section 40215, the contestant may seek review by filing an
13 appeal to be heard by the ~~municipal court, or by the superior~~
14 ~~court in a county in which there is no municipal court,~~ where the
15 same shall be heard de novo, except that the contents of the
16 processing agency's file in the case shall be received in evidence.
17 A copy of the notice of parking violation or, if the citation was
18 issued electronically, a true and correct abstract containing the
19 information set forth in the notice of parking violation shall be
20 admitted into evidence as prima facie evidence of the facts stated
21 therein. A copy of the notice of appeal shall be served in person
22 or by first-class mail upon the processing agency by the
23 contestant. For purposes of computing the 30-calendar-day
24 period, Section 1013 of the Code of Civil Procedure shall be
25 applicable. A proceeding under this subdivision is a limited civil
26 case.

27 (b) The fee for filing the notice of appeal is twenty-five dollars
28 (\$25). The court shall request that the processing agency's file on
29 the case be forwarded to the court, to be received within 15
30 calendar days of the request. The court shall notify the contestant
31 of the appearance date by mail or personal delivery. The court
32 shall retain the twenty-five dollar (\$25) fee regardless of the
33 outcome of the appeal. If the court finds in favor of the
34 contestant, the amount of the fee shall be reimbursed to the
35 contestant by the processing agency. Any deposit of parking
36 penalty shall be refunded by the processing agency in accordance
37 with the judgment of the court.

38 (c) The conduct of the appeal under this section is a
39 subordinate judicial duty that may be performed by traffic trial

1 commissioners and other subordinate judicial officials at the
2 direction of the presiding judge of the court.

3 (d) If no notice of appeal of the processing agency's decision
4 is filed within the period set forth in subdivision (a), the decision
5 shall be deemed final.

6 (e) If the parking penalty has not been deposited and the
7 decision is against the contestant, the processing agency shall,
8 after the decision becomes final, proceed to collect the penalty
9 pursuant to Section 40220.

10 *SEC. 167. The Judicial Council shall report to the Joint*
11 *Legislative Budget Committee by November 1, 2006 on the*
12 *impact of the uniform civil filing fee changes enacted in the*
13 *Budget Act on the ability of low income litigants to access the*
14 *court system. This report shall include recommendations on the*
15 *use of fee waivers, deferrals, and partial payments or payments*
16 *over time as mechanisms to ensure access in a fiscally*
17 *responsible manner, as well as any recommended statutory*
18 *changes to enhance the use of these procedures.*

19 ~~SEC. 20.—~~

20 *SEC. 168. The provisions of this act shall apply prospectively*
21 *only.*

22 *SEC. 169. Section 20 of this bill shall only become operative*
23 *if AB 1459, SB 422, or SB 996 is enacted and becomes effective*
24 *on or before January 1, 2006, and increases the jurisdictional*
25 *limit of the small claims court, in which case Section 19 of this*
26 *bill shall not be operative.*

27 *SEC. 170. If the Commission on State Mandates determines*
28 *that this act contains costs mandated by the state, reimbursement*
29 *to local agencies and school districts for those costs shall be*
30 *made pursuant to Part 7 (commencing with Section 17500) of*
31 *Division 4 of Title 2 of the Government Code.*

32 ~~SEC. 21. Sections 1 to 15, inclusive, and Sections 17 to 19,~~
33 ~~inclusive, of this act shall become operative on January 1, 2006.~~

34 ~~SEC. 22. This act is an urgency statute necessary for the~~
35 ~~immediate preservation of the public peace, health, or safety~~
36 ~~within the meaning of Article IV of the Constitution and shall go~~
37 ~~into immediate effect. The facts constituting the necessity are:~~

38 ~~In order to avoid a loss of fourteen million dollars~~
39 ~~(\$14,000,000) annually to the Trial Court Trust Fund which~~
40 ~~would otherwise result from the failure to extend the operative~~

- 1 ~~date of provisions imposing the court security fee, it is necessary~~
- 2 ~~that this act take effect immediately.~~

O